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Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament

Report of the Secretary-General

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I. Introduction

1. The General Assembly, in its resolution 68/32 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament", adopted on 5 December 2013, underlined the strong support, expressed at the high-level meeting of the General Assembly on nuclear disarmament, held on 26 September 2013, for taking urgent and effective measures to achieve the total elimination of nuclear weapons.

2. The General Assembly called for urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament and endorsed the wide support expressed at the high-level meeting for a comprehensive convention on nuclear weapons.

3. Furthermore, the General Assembly called for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

4. The Secretary-General was requested to seek the views of Member States with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons, and to submit a report thereon to the General Assembly at its sixty-ninth session, and also to transmit the report to the Conference on Disarmament.

5. By a note verbale dated 19 February 2014, Member States were invited to communicate their views on the issues. Furthermore, Member States were invited to provide executive summaries of their contributions for inclusion in the report of the Secretary-General, while their submissions *in extenso* would be posted on the website of the Office for Disarmament Affairs, if so requested by the Member State. The replies received are contained in section II of the present report. Replies received after the deadline will be issued as an addendum to this report.

II. Replies received from Governments

Argentina

[Original: Spanish]
[24 July 2014]

The total elimination of nuclear weapons is an essential component of Argentina's position on the Treaty on the Non-Proliferation of Nuclear Weapons and the disarmament agenda in general.

Argentina believes that the total elimination of weapons of mass destruction should be the central priority of the international community. The repercussions of such weapons go beyond the area of disarmament as such, and have grave implications for international peace and security.

The serious events that have taken place recently highlight the momentous humanitarian consequences of one type of such weapons of mass destruction, in addition to their destabilizing effect on international security.

The case of nuclear weapons is perhaps the most serious. Although their use and the threat thereof constitute a crime against humanity and a violation of international law, they have yet to be banned.

There is therefore a need to reflect on the Treaty and its role in the international security framework. Argentina views the Non-Proliferation Treaty as a security treaty.

Within the framework of the Treaty, non-nuclear-weapon States undertook not to acquire or develop such weapons, while nuclear-weapon States undertook to negotiate their elimination. And yet, decades later, the progress made in non-proliferation has yet to be matched in the area of nuclear disarmament.

That situation is particularly serious given that, by failing to fulfil their commitments under the Treaty, the nuclear-weapon States introduced an element of inequity to the balance of security underpinned by the Treaty. In so doing, they provided an argument for those who call into question the credibility of the non-proliferation regime.

Nuclear-weapon States have proved persistent, as have those other States that benefit indirectly from the protection that nuclear weapons supposedly provide. The result can only be to make international peace and security more unbalanced and unstable.

Argentina therefore supports the efforts of the international community to move towards the negotiation of a legally binding universal instrument banning nuclear weapons.

In the same vein, we stand by the international process aimed at drawing attention to the humanitarian impact of nuclear weapons. Action towards comprehensive and verifiable nuclear disarmament should not be further delayed.

The only guarantee against the use or threat of use of nuclear weapons is their total elimination.

Brazil

[Original: English]
[6 June 2014]

Brazil is fully committed to nuclear disarmament, as these weapons constitute the most serious threat to humankind and to international peace and security. Brazil regrets that, almost 45 years after the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons, commitment by nuclear-weapon States to the disarmament of their nuclear arsenals remains elusive. For Brazil, it is clear that the indefinite extension of the Treaty in 1995 cannot be interpreted as permission for the perpetual possession of nuclear weapons.

Unilateral or bilateral initiatives to reduce nuclear arsenals do not amount to effective nuclear disarmament, for they are not irreversible, verifiable or transparent. The ultimate goal of a world free of nuclear weapons can only be reached by means of a universal, comprehensive and non-discriminatory treaty, with realistic but well-defined timelines and benchmarks, negotiated in an institutional multilateral process.

In this regard, Brazil welcomed the holding of the General Assembly's high-level meeting on nuclear disarmament in 2013 and the subsequent adoption of resolution 68/32, whose call for the urgent commencement of negotiations, in the Conference on Disarmament, for the early conclusion of a comprehensive convention on nuclear weapons coincides with Brazil's traditional position on the matter. While Brazil sees the Conference as the appropriate forum for these negotiations because any such efforts must include all States possessing nuclear weapons, we would not object to any negotiating process that could take place within the United Nations framework, such as in the General Assembly.

Brazil believes that a comprehensive nuclear-weapon convention would need to establish clearly defined and time-bound obligations for the prohibition of the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. It would not preclude, however, States' inalienable right to use nuclear energy for peaceful purposes. It would, furthermore, require transparency, and especially verification provisions, to assess the compliance with these obligations by States parties. The International Atomic Energy Agency (IAEA), according to article III.B.1 of its statute, would have a key role both in achieving and in maintaining a world free of nuclear weapons.

Brazil sees elements contained in the Model Nuclear Weapons Convention, submitted by Costa Rica and Malaysia to the General Assembly in 2007 (A/62/650), as a good basis to begin discussions on a comprehensive convention on nuclear weapons.

Canada

[Original: English]
[12 June 2014]

Further to the request of the Office for Disarmament Affairs of 19 February 2014 and pursuant to General Assembly resolution 68/32 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament", the views of the Government of Canada are presented below with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons.

Canada is deeply concerned by the devastating humanitarian consequences of a potential nuclear-weapon detonation. It is this concern that underpins the work that Canada, and the international community, has done and must continue to do to create the conditions for a world without nuclear weapons in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons, in a way that promotes international stability, and is based on the principle of undiminished security for all.

Canada supported General Assembly resolution 67/39, entitled "High-level meeting of the General Assembly on nuclear disarmament", in which the Assembly called for the convening on 26 September of the 2013 high-level meeting of the General Assembly. Canada actively participated in the meeting, where we were represented by the Honourable Lynne Yelich, Minister of State for Foreign Affairs.

Canada voted against General Assembly resolution 68/32 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament" as

we regretted that the varied proposals made during the 26 September meeting, including those of Canada, were not captured in the resolution, and that only one particular viewpoint appears to have been brought forward.

At the high-level meeting, Minister Yelich outlined Canada's continued support for a pragmatic and progressive step-by-step process for nuclear non-proliferation and disarmament that halts the spread of nuclear weapons, draws down existing stockpiles, and irreversibly eliminates them. Three core components of such an approach are a universalized Treaty on the Non-Proliferation of Nuclear Weapons coupled with full compliance with International Atomic Energy Agency (IAEA) safeguards and verification to prevent the spread of nuclear-weapon components and technology, a fully in force comprehensive nuclear-test-ban treaty to verifiably ban all nuclear testing, and a fissile material cut-off treaty to verifiably ban the production of fissile material. Such an approach provides the most practical and feasible path to advance implementation of the commitments enshrined in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

With near-universal membership, the Treaty on the Non-Proliferation of Nuclear Weapons remains the most viable framework through which to achieve the goal of greater international security. It is vital to recognize the strategic security context and that preventing the proliferation of nuclear weapons helps to create a more conducive climate for nuclear disarmament and reduces the risk of the deliberate or accidental use of a weapon. States which possess nuclear weapons will only disarm when they — and those who rely on their nuclear deterrence — feel safer without nuclear weapons than with them.

The achievement and maintenance of a world without nuclear weapons will require the negotiation of a universal, verifiable and legally binding comprehensive convention on nuclear weapons. However, the conditions are not yet in place and the necessary consensus does not yet exist to proceed towards the negotiation of such an instrument. Without that, the prospects for progress on a global ban on nuclear weapons are non-existent, and efforts to achieve such a convention would lead to inertia, the unintended consequence of which could be the diversion of efforts and political will from the more pragmatic and achievable steps towards disarmament. We believe the negotiation of a nuclear-weapon convention would be best placed for success as a step taken towards the end of the process seeking to achieve a world free of nuclear weapons.

Canada is concerned that the aim of the 2018 meeting, which was called for in General Assembly resolution 68/32, is unclear — it can be interpreted as either another high-level meeting on disarmament to ensure a continued profile to the issue, but also as a potential vehicle to negotiate a nuclear-weapon convention. This, in our view, is regrettable as it may undermine the Treaty on the Non-Proliferation of Nuclear Weapons at a time when our collective efforts are needed to seek a positive outcome for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and may lay a foundation for an alternative pathway that could damage the Treaty.

While the resolution rightfully calls for the urgent commencement of negotiations in the Conference on Disarmament, it points to only one core issue. We share the frustration expressed in resolution 68/32 that the Conference on Disarmament for over 15 years has not been able to adopt or implement a programme of work. We continue to call for the adoption of a comprehensive and

balanced programme of work within the Conference that would allow us to advance the four core issues. Canada believes that the issue most ready for negotiation in the Conference on Disarmament, both in terms of support, existing mandate and previous work, is a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Successful negotiation of a treaty would further nuclear disarmament by advancing key criteria for an eventual world free of nuclear weapons, including increased transparency and further developed verification measures. It would also create the conditions for the negotiation of further treaties, including, when conditions are right, a nuclear-weapon convention.

Cuba

[Original: Spanish]
[5 June 2014]

Nuclear disarmament is and must remain the highest priority with regard to disarmament, until the prohibition and total elimination of nuclear weapons are attained.

The historic initial convening of the high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013 marked a concrete step towards the cherished goal of nuclear disarmament. The meeting demonstrated the broad international support for nuclear disarmament as a priority and witnessed a vigorous demand for nuclear-weapon States to fulfil their commitments with regard to nuclear disarmament, cease the modernization of their nuclear arsenals and exclude nuclear weapons from their security strategies and doctrines.

It is necessary to make progress towards negotiation of a legally binding universal instrument prohibiting nuclear weapons. We call for a comprehensive convention on the prohibition of nuclear weapons encompassing the prohibition of the possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use of such weapons, and providing for their destruction.

Pending attainment of the final objective of nuclear disarmament, the nuclear-weapon States must provide unequivocal and legally binding guarantees not to use or threaten to use such weapons.

We add our voice to the call for the convening, no later than 2018, of a high-level United Nations international conference on nuclear disarmament to review progress made in this regard. Cuba will offer its full support for the successful convening of such a conference. We urge all States and the international community to commemorate and promote 26 September as the International Day for the Total Elimination of Nuclear Weapons, as declared by the General Assembly in its resolution 68/32.

Ecuador

[Original: Spanish]
[5 May 2014]

Ecuador deems it essential to advocate a world free of nuclear weapons because of the danger and threat posed by those weapons of mass destruction to the survival of all humankind.

The balance that should exist among the three underlying pillars of the Treaty on the Non-Proliferation of Nuclear Weapons, that is, nuclear disarmament, non-proliferation and the right to the peaceful use of nuclear energy, must be defended resolutely.

The establishment of nuclear-weapon-free zones such as that achieved by the Treaty of Tlatelolco, to which Ecuador has already been party for half a century, is a further step towards a world free of those devices.

Disarmament and non-proliferation measures must be incorporated into national legislation. Ecuador has done so and, in that regard, the country has based its action on the mandates established by the Constitution of 2008, which provides for the promotion of peace and universal disarmament in the conduct of international relations. It condemns the development and use of weapons of mass destruction and the imposition of military bases or facilities by certain States on the territory of others. It also prohibits the development, production, stockpiling, import, transport, transfer and use of chemical, biological and nuclear weapons, as well as the release of nuclear and toxic waste into national territory.

It is a matter of grave concern that the nuclear Powers have embarked upon the modernization of their nuclear weapons, and the delivery systems and platforms thereof, that the role of nuclear weapons in their military and national security doctrines has not been diminished, and that no measures have been taken to reduce the alert level of nuclear weapons.

Nuclear-weapon States must in all circumstances refrain from the use or threat of use of nuclear weapons against any non-nuclear-weapon State by concluding a universal, legally binding instrument on unconditional, non-discriminatory and irrevocable effective security assurances to be provided by nuclear-weapon States to all non-nuclear-weapon States against the use or threat of use of such weapons.

France

[Original: French]
[30 May 2014]

The position of France remains unchanged from that expressed in the explanation of vote on resolution 68/32 given on 4 November 2013 in the First Committee on behalf of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America at the sixty-eighth session of the General Assembly.

As France fully supports the ultimate goal of a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons, it participated in the high-level meeting held on 26 September 2013.

However, the views that it expressed at that meeting and those of many other States, were not reflected in the wording of resolution 68/32.

France considers that the failure of certain States to comply with their nuclear non-proliferation obligations is the most serious threat to international peace and security. It therefore regrets that the high-level meeting did not address nuclear disarmament and non-proliferation in a balanced manner, even though combating proliferation is vital for the security of all, and is one of the prerequisites for a successful step-by-step approach to nuclear disarmament.

Furthermore, the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the non-proliferation regime and the foundation for international disarmament efforts. France is therefore very concerned at the single, insufficient, incidental and unbalanced reference to the Treaty in the resolution. Similarly, no reference is made to the action plan agreed in 2010, even though it is the best way forward in the area of multilateral nuclear disarmament.

The resolution also calls for negotiations on a new instrument not covered by the 2010 action plan. However, France remains convinced that only a comprehensive, gradual and practical process will deliver real, methodical and steady progress towards disarmament while maintaining global security and stability. There is no other way of achieving a more secure world and working towards a world without nuclear weapons. As a part of this process, States parties to the Treaty on the Non-Proliferation of Nuclear Weapons have agreed that the next priority multilateral step towards nuclear disarmament is the negotiation of a fissile material cut-off treaty, and rapid entry into force of the comprehensive nuclear-test-ban treaty.

Given that a review conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is scheduled for 2015, planning a further conference on nuclear disarmament in 2018, as proposed in the resolution, is not consistent with the existing schedule. France is concerned that the commitment of States to securing a successful outcome to the Review Conference might be weakened in such a situation.

Georgia

[Original: English]
[30 May 2014]

Georgia plays an important role in supporting the existing global nuclear security architecture through implementing its components on the national level, providing sufficient commitments to the international legal instruments and, among other actions, joining global initiatives in this field. Georgia has been a party to the Convention on the Physical Protection of Nuclear Material since 2007, already ratified the 2005 Amendment to the Convention and therefore fully became a party to this international legal instrument of immense importance. Georgia has been a party to the International Convention for the Suppression of Acts of Nuclear Terrorism since 2010.

Georgia recognizes the necessity to fully implement Security Council resolution 1540 (2004) on the prevention of non-State actors from obtaining weapons of mass destruction, their means of delivery and related materials.

Considering that this resolution serves as a vital component of the international community's instrument in combating the proliferation of weapons of mass destruction, Georgia welcomes the extension of its mandate until 2021, remains committed to its implementation, and continues cooperation with international organizations and regional bodies.

Georgia actively participates in the Global Initiative to Combat Nuclear Terrorism and the Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

Georgia has had a quite intensive and successful collaboration with the International Atomic Energy Agency (IAEA) since becoming a Member State in 1996. Georgia receives assistance in various fields of peaceful use of nuclear energy and contributes to several technical meetings by providing expertise on drafting documents related to the IAEA Security Series.

Georgia expressed its support for the principles of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary document on the IAEA Guidance on the Import and Export of Radioactive Sources in a formal letter to the Director General of the International Atomic Energy Agency.

Georgia made significant efforts aimed at improving its nuclear safety and security. Georgia has ratified the Law on Nuclear and Radiation Safety, which is in line with the international legal documents and recommendations.

Taking into account the geographic location of Georgia, the possibility of attempts to use its territory for illicit trafficking of nuclear and radioactive materials still remains. Therefore, one of the top priorities of Georgia is a continuous strengthening of its national nuclear and radioactive security capabilities and deepening of relevant cooperation with partner nations and appropriate international entities.

Indonesia (on behalf of the States members of the Non-Aligned Movement)

[Original: English]
[24 July 2014]

The Non-Aligned Movement stresses that nuclear disarmament continues to be the highest priority, and that the ultimate goal of nuclear disarmament is the complete elimination of nuclear weapons. In this regard, it calls upon all States to continue to accord the highest priority to nuclear disarmament leading to the total elimination of nuclear weapons with a specified framework of time and under strict and effective international control. In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those which possess the largest nuclear arsenals, bear a special responsibility. In this context, the Non-Aligned Movement calls upon the five nuclear-weapon States to:

(a) Fully comply with their overdue obligations under the Treaty on the Non-Proliferation of Nuclear Weapons;

(b) Not to transfer to any recipient nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices; and not to

encourage or induce any non-nuclear-weapon State to manufacture or acquire them or control over them;

(c) Cease any efforts to upgrade nuclear weapons or carry out research on, and develop, new types of nuclear weapons or other nuclear explosive devices and their means of delivery;

(d) Exclude the role of any types of nuclear weapons in their security strategies and those of their allies;

(e) Reduce immediately the operational status of nuclear weapons, including through complete detargeting and de-alerting;

(f) Reduce substantively all types of nuclear weapons, pending their total elimination;

(g) Apply the principles of irreversibility, transparency and verifiability in nuclear disarmament;

(h) Provide effective, unconditional, non-discriminatory, irrevocable and legally binding security assurances to all non-nuclear-weapon States against the use or threat of use of nuclear weapons under any circumstances;

(i) Not to conduct any nuclear-weapon test explosions, and ratify the Comprehensive Nuclear-Test-Ban Treaty to facilitate its early entry into force.

(j) Bring into effect, immediately and unconditionally, the security assurances provided by the nuclear-weapon-free zone treaties;

The Non-Aligned Movement calls upon the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully implement the resolution and decisions adopted at the Treaty on the Non-Proliferation of Nuclear Weapons Review Conferences.

The Non-Aligned Movement reaffirms the long-standing strong global support for the speedy establishment of a nuclear-weapon-free zone in the Middle East as a matter of priority and, pending its establishment, demands that Israel renounce possession of nuclear weapons and accede, without any precondition and further delay, as a non-nuclear-weapon State to the Treaty on the Non-Proliferation of Nuclear Weapons.

The Non-Aligned Movement calls for practical steps to the convening of the conference on the establishment of a zone free of nuclear and all other weapons of mass destruction in the Middle East, without any further delay.

The Non-Aligned Movement urges the Conference on Disarmament to agree as soon as possible on a balanced and comprehensive programme of work in order for it to start substantive work.

The Non-Aligned Movement calls for the full implementation of General Assembly resolution 68/32 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament".

The Non-Aligned Movement calls for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession,

development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.

The above principles and recommendation should constitute some of the possible elements of a comprehensive convention on nuclear weapons.

The following are suggested, inter alia, to be included in the text of a comprehensive convention on nuclear weapons:

- Principles and objectives of the convention
- The scope of the convention
- Definitions
- Measures (obligations) towards nuclear disarmament with a time frame
- Verification: system and organ
- Measures to ensure full compliance with its provisions
- Establishment of a periodic review process with regard to the implementation of the Convention
- Settlement of disputes
- Final provisions

Iraq

[Original: Arabic]
[19 March 2014]

Iraq considers that nuclear disarmament should be at the forefront of the priorities of the international community, so that we and the generations to come can enjoy an ideal security environment and realize international peace and security in a world free of nuclear weapons. Nuclear disarmament and the complete elimination of nuclear weapons are fundamental in order to avert the danger of nuclear war. The continued use of nuclear weapons represents a grave threat to humanity and all forms of life on Earth, and could lead to a nuclear disaster.

Like other members of the international community, Iraq affirms its strong support for swift and effective measures for the complete elimination of weapons of mass destruction, particularly nuclear weapons. Iraq calls for prompt negotiations within the Conference on Disarmament for the drafting of a comprehensive convention on nuclear weapons, including a ban on the acquisition, development, production, testing, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their destruction.

Iraq supports the convening of a high-level United Nations conference on nuclear disarmament no later than 2018 in order to review the progress made.

Iraq calls on nuclear-weapon States to fulfil their nuclear disarmament commitments and promote mutual commitments in accordance with the principles and components of the non-proliferation regime, especially the commitments of nuclear-weapon States under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. In particular, good faith negotiations should take place in order to

adopt effective measures to bring an end to the arms race at an early date and achieve nuclear disarmament.

States should accede to international conventions on weapons of mass destruction, implement their provisions without distinction and comprehensively eliminate such weapons. Those fundamental principles can give the international community a genuine guarantee of international peace and security. A legally binding international instrument should be concluded with a view to providing non-nuclear-weapon States with unconditional assurances that nuclear-weapon States shall not use or threaten to use such weapons against them. Iraq believes that a comprehensive and integrated approach should be adopted, combining the universalization of the Treaty, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and negotiations towards a treaty banning the production of fissile materials and providing for the destruction of stockpiles.

Iraq fully supports international efforts to establish additional zones free of nuclear weapons and other weapons of mass destruction around the world. Such action is a significant step in the right direction, as it will help to rid the world, particularly the Middle East, of those weapons. Iraq reiterates its complete determination to fulfil its obligations under the international instruments on the elimination of weapons of mass destruction.

Lebanon

[Original: Arabic]
[7 May 2014]

The Ministry of Defence submits that Lebanon affirms the following:

- The Lebanese Army does not possess or produce weapons of mass destruction. It is firmly opposed to any threat or, a fortiori, use of such weapons.
- We unreservedly support and welcome any initiative aimed at the general and complete elimination of such weapons, particularly in the Middle East region.
- We emphasize the need to rid the Middle East of weapons of mass destruction. In that regard, we are gravely concerned that the Israeli enemy has failed to comply with the authoritative international resolutions, having maintained a nuclear arsenal that poses an ongoing threat to all States of the region, and hence to international peace and security.
- The threats posed by the Israeli nuclear arsenal and weapons of mass destruction can be averted only by working towards the complete elimination of weapons of mass destruction in the Middle East region. The international and Arab communities must place pressure on the Israeli enemy to sign all treaties aimed at preventing the proliferation of weapons of mass destruction and nuclear weapons.

Lastly, we stress that the international community, under the leadership of the United Nations, should work to ensure that the concerned parties acquire technical expertise, that the equipment necessary for protection from weapons of mass destruction is made available, and that the concerned parties have the capacity to monitor the international instruments on the elimination of such weapons. Action should be taken to promote the use of nuclear technology for peaceful and scientific

purposes, particularly the pursuit of sustainable development, in view of the varied needs of the developed and developing countries.

Libya

[Original: Arabic]
[15 April 2014]

- Libya affirms that the practical measures taken by the United States of America and the Russian Federation to reduce their nuclear arsenals constitute a positive development. However, they are not sufficient, do not reflect a full commitment to eliminating nuclear weapons, and do not encourage the other nuclear-weapon States to enact similar measures.
- The establishment of nuclear-weapon-free zones will not be sufficient so long as there are nuclear weapons in other zones in the world.
- Libya supports the conclusions of the special session of the General Assembly devoted to nuclear disarmament, which affirmed that the urgent implementation of effective measures to achieve nuclear disarmament was a matter of the utmost priority.
- Nuclear-weapon States must play the leading role in, and bear primary responsibility for, the complete elimination of nuclear weapons. They must take effective and practical steps to assure the international community that they are committed to eliminating nuclear weapons and preventing their proliferation.
- A legally binding international instrument prohibiting the threat or use of nuclear weapons is required in order to safeguard non-nuclear-weapon States against the threat of nuclear weapons.

Libya proposes that a comprehensive convention on nuclear weapons should:

1. Prohibit the production, development, testing and stockpiling of nuclear weapons and their means of delivery;

2. Prohibit the production and stockpiling of fissile material and other components involved in the manufacture of nuclear weapons;

3. Provide for the nuclear facilities of all States, without exception, to be subject to inspections and verification by the International Atomic Energy Agency (IAEA);

4. Provide for all States, without exception and under the same terms, to conclude comprehensive safeguards agreements and sign additional protocols thereto;

5. Provide for implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons with a view to adopting a comprehensive convention on nuclear weapons;

6. Provide for nuclear-weapon States to declare transparent and internationally verifiable information on their nuclear arsenals;

7. Underscore that IAEA is the sole international organization responsible for inspections and verifying declarations of States with regard to their nuclear programmes;

8. Underscore that all States have the right to benefit from the peaceful uses of nuclear energy and that developed countries must refrain from impeding the transfer of technology and information on the peaceful uses of nuclear energy, provided that the State concerned has concluded an IAEA comprehensive safeguards agreement and additional protocol, has acceded to the relevant instruments on the peaceful use of nuclear energy, and pledges to refrain from diverting nuclear energy for military purposes.

Mexico

[Original: Spanish]
[5 June 2014]

Being committed to disarmament, non-proliferation and international peace and security, Mexico will continue to be proactive and forthcoming in encouraging initiatives in multilateral forums to ban and eliminate nuclear weapons.

Mexico believes that the only guarantee against the use and effects of such weapons is to eliminate them completely, as something that does not exist, cannot proliferate or be deployed. Past experience has shown that successfully eliminated weapons had first been banned.

In the context of the third session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Mexico had joined the other members of the New Agenda Coalition in presenting options for the form and content of the instrument which would free the world of nuclear weapons:

- A nuclear weapons convention;
- A nuclear-weapon ban treaty;
- A framework arrangement;
- A hybrid arrangement.

Mexico further considers that any overall agreement on nuclear weapons must include the following elements:

- A clearly stated scope, banning and completely eliminating all types of nuclear weapons. In that connection, the content of the Treaty of Tlatelolco could be used.
- Definitions, with the basis for negotiation being the definitions used by the International Atomic Energy Agency (IAEA) and those used in the Treaty of Tlatelolco, particularly the definition of "nuclear weapon". The ban should apply to the development, production, acquisition, possession, stockpiling, retention, testing, use and/or transfer of such weapons, in any circumstances and at any time in the future.
- Clearly established, genuine deadlines for the destruction of all nuclear weapons, with no extensions enabling indefinite postponement of destruction.
- Nuclear weapons must be banned and eliminated in a manner that is irreversible.

- Verification must be provided for through an agency of modest scale dedicated to that task, with the support of IAEA, that establishes measures to build confidence between States.
- The agreement must be of indefinite duration.
- The agreement should be signed and ratified and enter into force on the simple basis of the number of States, with no restrictive clauses, along the lines of the Comprehensive Nuclear-Test-Ban Treaty.
- The agreement should be universal and open to all States, whether or not they are States Members of the United Nations.

Netherlands

[Original: English]
[29 May 2014]

1. At its sixty-eighth session, the General Assembly adopted resolution 68/32, entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament".

2. The Kingdom of the Netherlands herewith submits, in line with operative paragraph 5 of resolution 68/32, the view of the Government of the Netherlands on the issues covered by that resolution.

3. The Netherlands wishes to emphasize that it fully shares the ultimate goal of resolution 68/32, a world free of nuclear weapons. The Netherlands participated at ministerial level in the high-level meeting on nuclear disarmament on 26 September 2013.

4. The Netherlands notes, with regret, that resolution 68/32 reflects only one particular viewpoint, while various other proposals made during the 26 September 2013 meeting were not captured by it.

5. As stated in the explanation of vote that was read by the delegation of the Netherlands at the 24th meeting of the First Committee on behalf of 21 countries, the resolution includes only limited references to the Treaty on the Non-Proliferation of Nuclear Weapons, while the Netherlands would have very much preferred a broader reference to the Treaty and an underlining of its pivotal importance to nuclear disarmament.

6. The Netherlands also stands by its questions raised on the international conference to be held in 2018. The Netherlands feels that the importance of international efforts on nuclear disarmament is insufficiently emphasized by processes that are, in scope and intention, insufficiently clear and transparent. This will prevent key States from participating and is detrimental to the international trust on which successful disarmament is based. It might also undermine the collective efforts in the framework of the Treaty on the Non-Proliferation of Nuclear Weapons.

7. The Netherlands further regrets that, by focusing on one core element of the work of the Conference on Disarmament, the resolution does not do justice to the urgent attention that needs to be paid to the adoption of a comprehensive and balanced programme of work of the Conference on Disarmament and the other core

issues. The Netherlands also believes that starting negotiations on a nuclear-weapon convention without the participation of the States that possess nuclear weapons will not advance the overall goal of nuclear disarmament.

8. The Netherlands also maintains that it sees no added value for the United Nations or the furthering of the cause of nuclear disarmament by declaring another International Day, especially when existing ones are disregarded.

Switzerland

[Original: English]
[3 June 2014]

The high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013 reflected the concerns at the threat posed to humanity by the continued existence of nuclear weapons and their potential use as well as at the lack of significant progress on nuclear disarmament.

The participation of many world leaders, as well as of representatives of international organizations and civil society, was an expression of the determination to make progress on nuclear disarmament.

Switzerland's understanding, based on the high-level meeting as well as the Summary by the President of the General Assembly (A/68/563), is that while there is overwhelming support for more systematic efforts in disarmament and non-proliferation, the manner and timeline to achieve a world free of nuclear weapons requires further in-depth discussion.

Stepping up such efforts is in full conformity with existing obligations, in particular with the action plan on nuclear disarmament contained in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which indicates that "all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons".

Switzerland is of the view that the different options should now be explored in a systematic manner, in view of uniting the entire membership of the United Nations — States possessing nuclear weapons and non-nuclear-weapon States — in pursuit of the shared goal of a world without nuclear weapons.

A comprehensive convention on nuclear weapons is only one of several options the international community can consider. Other approaches include the so-called "step-by-step" approach, a ban on use, a nuclear-weapon-ban treaty, a framework of separate, mutually reinforcing instruments (as contained in the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations) or a hybrid arrangement.

It is our view that when considering a legal framework for the prohibition and elimination of nuclear weapons, none of the options mentioned above should a priori be excluded, and that all options can be designed to complement and strengthen existing instruments and efforts.

In this regard, Switzerland remains concerned at the continued stalemate in the Conference on Disarmament as well as in the Disarmament Commission and hopes

that efforts to revitalize the disarmament machinery, as called for by the General Assembly in resolution 66/66, will bear fruit.

Switzerland is convinced that discussing the various aforementioned options for achieving a world without nuclear weapons in an open and inclusive manner, and taking into account the relationship between non-proliferation and disarmament, can provide a substantive contribution to the follow-up to the high-level meeting.

Ukraine

[Original: Russian]
[30 May 2014]

Ukraine has consistently upheld the need to conclude a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

At the same time, given its non-nuclear, non-aligned status, Ukraine finds it necessary to remind the States signatories to the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum of 1994) of the political commitments made to Ukraine to address a threat to its sovereignty and territorial integrity.

In this connection, Ukraine calls attention to the need to include in a universal instrument legally binding provisions guaranteeing the security of non-nuclear States and safeguarding their sovereignty and territorial integrity.

With the approach of the International Day for the Total Elimination of Nuclear Weapons on 26 September 2014, Ukraine will take steps to further promote joint efforts for the total elimination of this type of weapon.

United States of America

[Original: English]
[3 June 2014]

The United States participated in the 26 September 2013 high-level meeting related to nuclear disarmament. General Assembly resolution 68/32, which followed up on the high-level meeting, does not reflect United States views expressed during the high-level meeting, nor in our opinion, the views of other States that participated.

In the view of the United States, the "step-by-step" approach to nuclear disarmament is the only practical and realistic path to a world without nuclear weapons. We are pursuing such steps through treaties, cooperative measures and national actions. Each step taken builds on the accomplishments and momentum of preceding steps, and takes into account changes in the international security environment.

It is the United States' deep understanding of the consequences of nuclear weapons use that has guided and motivated our efforts to reduce and ultimately eliminate nuclear weapons.

In a comprehensive report (https://unoda-web.s3.amazonaws.com/wp-content/uploads/2014/04/US-Report-2014-May1.pdf) to the third Preparatory Committee meeting for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the United States highlighted the significant progress it is making to reduce the number and role of nuclear weapons and to ensure compliance with the Treaty's non-proliferation goals. As a transparency step, the United States also released a newly declassified nuclear-weapon stockpile fact sheet (www.state.gov/t/avc/rls/225343.htm), which notes that the United States has dismantled more than 1,200 nuclear weapons since 2009. In a high point of the Preparatory Committee, the United States and the other nuclear-weapon States (China, France, the Russian Federation and the United Kingdom), signed the Protocol (http://www.state.gov/r/pa/prs/ps/2014/05/225681.htm) to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. The Protocol, once in force, provides legal assurances against the use or threat of use of nuclear weapons to the five Central Asian States.

Regarding the planned 2018 conference established by the General Assembly in resolution 68/32, we strongly believe that the holding of additional nuclear disarmament conferences will not result in an acceleration of the practical steps necessary for the elimination of nuclear weapons. The Treaty on the Non-Proliferation of Nuclear Weapons and the 2010 action plan already provide the necessary context and objectives for the next steps on disarmament and achieving a nuclear-free world.

Uruguay

[Original: Spanish]
[30 April 2014]

Since the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, there have been successive attempts in a number of multilateral forums to establish a comprehensive, global convention related to the universal objective of achieving a "world free of nuclear weapons". To date, however, those efforts have been unable to move beyond the impasse that has characterized the disarmament and arms control process as a whole. In this regard, the Model Convention submitted in 2007 to the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons could provide impetus for such negotiations.

Under the present international circumstances (including, for example, the gradual decrease in the number of nuclear warheads), the negotiation of a comprehensive convention on the total elimination of nuclear weapons seems politically feasible.

With regard to the elements to be included in the convention, and without prejudice to a more thorough examination of how it should be structured and implemented, the main focus should be on the verifiability of the convention. Its effectiveness would depend on a sound verification system with sufficiently reliable measures for the detection of prohibited activities involving nuclear weapons. On the one hand, the verification system should generate the necessary confidence that the elimination of all nuclear weapons would be complete and irreversible, while on the other, it should reduce any residual doubts concerning non-compliance to a

tolerable level. Ultimately, the core strength of the verification system should be based on the belief on the part of all States that participation in such a system would provide a better guarantee of security than the nuclear option.

Accordingly, provisions pertaining both to the monitoring and control of nuclear facility complexes and fissile materials would be of particular importance. Consolidating the trend towards complete nuclear disarmament would not eliminate all risks, as the existence of a few hidden nuclear weapons could prove lethal to the military-strategic balance. For that reason, the effectiveness of the aforesaid convention is subject to the effectiveness of its verification mechanisms, insofar as they would ensure not only the elimination of nuclear arsenals, warheads and existing fissile materials, but also the prevention of future acquisition or production of such materials. In that respect, clandestine activities involving nuclear weapons should be detected as early as possible.

United Nations A/69/172/Add.1

General Assembly

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Sixty-ninth session
Item 97 (q) of the provisional agenda*
General and complete disarmament

Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament

Report of the Secretary-General

Addendum**

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* A/69/150.
** The information contained in the addendum was received after the submission of the main report.

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II. Replies received from Governments

Austria

[Original: English]
[15 September 2014]

With reference to General Assembly resolution 68/32 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament", Austria underlines the importance of pursuing initiatives to enhance the momentum for the elimination of nuclear weapons and to underscore the importance and urgency of such efforts. Austria, therefore, in implementing the spirit of this resolution, has:

1. Repeatedly and at the highest level expressed strong support for nuclear disarmament to achieve the total elimination of nuclear weapons.

2. Repeatedly called for the urgent compliance with legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament, and — in fulfilling its own obligations in this regard — has been implementing a policy compatible with this by taking and supporting initiatives that help to create momentum, such as the work of the Open-ended Working Group to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons and the conferences on the humanitarian impact of nuclear weapons. Austria is hosting the third such conference in Vienna on 8 and 9 December 2014.

3. Endorsed the call for a comprehensive convention on nuclear weapons, which is seen as necessary for the achievement and maintenance of a world without nuclear weapons.

4. Repeatedly called on the Conference on Disarmament to urgently commence negotiations necessary to create the legal framework for the achievement and maintenance of a world without nuclear weapons, for example, by negotiating a treaty to ban the production of fissile material for nuclear weapons or other nuclear explosive devices.

5. Repeatedly supported the view that a comprehensive convention on nuclear weapons would entail filling the many legal gaps that exist in the global nuclear disarmament and non-proliferation regime. Thus, the existing instruments such as the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty would continue to remain valid and in force. The report of the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (A/68/514) has identified elements to be considered and has also laid out the role of international law. These legal measures will need to be supported by practical and policy actions, in particular by States possessing nuclear weapons.

6. Supported the declaration of 26 September as the International Day for the Total Elimination of Nuclear Weapons.

India

[Original: English]
[27 August 2014]

India supported resolution General Assembly 68/32 submitted by the Non-Aligned Movement calling for the Conference on Disarmament to commence negotiations on a comprehensive nuclear weapons convention.

India is convinced that the goal of nuclear disarmament can be achieved through a step-by-step process underwritten by a universal commitment and an agreed multilateral framework that is global and non-discriminatory. There is need for a meaningful dialogue among all States possessing nuclear weapons to build trust and confidence and for reducing the salience of nuclear weapons in international affairs and security doctrines.

India's working paper CD/1816 enumerated specific steps, including reaffirmation of the unequivocal commitment of all nuclear-weapon States to the goal of complete elimination of nuclear weapons; reduction of the salience of nuclear weapons in security doctrines; measures by nuclear-weapon States to reduce nuclear danger; negotiation of a global agreement among nuclear-weapon States on "no first use" of nuclear weapons; negotiation of a universal and legally binding agreement on the non-use of nuclear weapons against non-nuclear-weapon States; negotiation of a convention on the complete prohibition of the use or threat of use of nuclear weapons; and negotiation of a nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons with a specified time frame.

India joined the statement made in the Conference on Disarmament by Chile on behalf of the Group of 21 on 26 March 2014 calling for the urgent commencement of negotiations on nuclear disarmament in the Conference, in particular on a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

India considers the Conference on Disarmament the appropriate forum for the commencement of negotiations on nuclear disarmament through the establishment of a subsidiary body with a mandate agreed by consensus as part of a comprehensive and balanced programme of work.

United Nations A/69/173

General Assembly

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General and complete disarmament

The Arms Trade Treaty

Report of the Secretary-General

1. In paragraph 5 of its resolution 68/31, entitled "The Arms Trade Treaty", the General Assembly requested the Secretary-General to report to the Assembly at its sixty-ninth session on the status of signature and ratification of the Treaty. The present report is issued pursuant to that request.

2. As at 22 July 2014, 118 States had signed the Treaty, with 41 of those having also deposited their instruments of ratification. Also, in accordance with article 23 of the Treaty, 19 of the signatory States declared that they would provisionally apply articles 6 and 7 of the Treaty, pending its entry into force. The list of the 118 signatories and ratifying States is set out below.

Participant	*Signature*	*Provisional application under article 23*	*Approval, Acceptance, Ratification*
Albania	3 June 2013		19 March 2014
Angola	25 September 2013		
Antigua and Barbuda	3 June 2013	12 August 2013	12 August 2013
Argentina	3 June 2013		
Australia	3 June 2013		3 June 2014
Austria	3 June 2013	3 June 2014	3 June 2014
Bahamas	3 June 2013		
Bahrain	21 November 2013		
Bangladesh	26 September 2013		

* A/69/150.

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Participant	*Signature*	*Provisional application under article 23*	*Approval, Acceptance, Ratification*
Barbados	25 September 2013		
Belgium[a]	3 June 2013		3 June 2014
Belize	3 June 2013		
Benin	3 June 2013		
Bosnia and Herzegovina	25 September 2013		
Brazil	3 June 2013		
Bulgaria	2 July 2013		2 April 2014
Burkina Faso	3 June 2013		3 June 2014
Burundi	3 June 2013		
Cabo Verde	25 September 2013		
Cambodia	18 October 2013		
Chad	25 September 2013		
Chile	3 June 2013		
Colombia	24 September 2013		
Comoros	26 September 2013		
Congo	25 September 2013		
Costa Rica	3 June 2013	25 September 2013	25 September 2013
Côte d'Ivoire	3 June 2013		
Croatia	3 June 2013		2 April 2014
Cyprus	3 June 2013		
Czech Republic	3 June 2013		
Denmark[b]	3 June 2013	2 April 2014	2 April 2014
Djibouti	3 June 2013		
Dominica	1 October 2013		
Dominican Republic	3 June 2013		7 August 2014
El Salvador	5 June 2013		2 April 2014
Estonia	3 June 2013	2 April 2014	2 April 2014
Finland	3 June 2013	2 April 2014	2 April 2014
France	3 June 2013		2 April 2014

Participant	*Signature*	*Provisional application under article 23*	*Approval, Acceptance, Ratification*
Gabon	25 September 2013		
Germany	3 June 2013	2 April 2014	2 April 2014
Ghana	24 September 2013		
Greece	3 June 2013		
Grenada	3 June 2013		21 October 2013
Guatemala	24 June 2013		
Guinea	29 July 2013		
Guinea-Bissau	26 September 2013		
Guyana	3 June 2013		4 July 2013
Haiti	21 March 2014		
Honduras	25 September 2013		
Hungary	3 June 2013	2 April 2014	2 April 2014
Iceland	3 June 2013	2 July 2013	2 July 2013
Ireland	3 June 2013		2 April 2014
Italy	3 June 2013		2 April 2014
Jamaica	3 June 2013		3 June 2014
Japan	3 June 2013		9 May 2014
Kiribati	25 September 2013		
Latvia	3 June 2013	2 April 2014	2 April 2014
Lesotho	25 September 2013		
Liberia	4 June 2013		
Libya	9 July 2013		
Liechtenstein	3 June 2013		
Lithuania	3 June 2013		
Luxembourg	3 June 2013		3 June 2014
Madagascar	25 September 2013		
Malawi	9 January 2014		
Malaysia	26 September 2013		
Mali	3 June 2013		3 December 2013

Participant	*Signature*	*Provisional application under article 23*	*Approval, Acceptance, Ratification*
Malta	3 June 2013		2 April 2014
Mauritania	3 June 2013		
Mexico	3 June 2013	25 September 2013	25 September 2013
Mongolia	24 September 2013		
Montenegro	3 June 2013		18 August 2014
Mozambique	3 June 2013		
Nauru	25 September 2013		
Netherlands	3 June 2013		
New Zealand	3 June 2013		
Niger	24 March 2014		
Nigeria	12 August 2013		12 August 2013
Norway	3 June 2013	12 February 2014	12 February 2014
Palau	3 June 2013		
Panama	3 June 2013		11 February 2014
Paraguay	19 June 2013		
Peru	24 September 2013		
Philippines	25 September 2013		
Poland	1 July 2013		
Portugal	3 June 2013		
Republic of Korea	3 June 2013		
Republic of Moldova	10 September 2013		
Romania	3 June 2013		2 April 2014
Rwanda	5 June 2013		
Samoa	25 September 2013		3 June 2014
Senegal	3 June 2013		
Serbia	12 August 2013	12 August 2013	
Seychelles	3 June 2013		
Sierra Leone	25 September 2013		12 August 2014
Slovakia	10 June 2013	2 April 2014	2 April 2014

Participant	*Signature*	*Provisional application under article 23*	*Approval, Acceptance, Ratification*
Slovenia	3 June 2013		2 April 2014
South Africa	25 September 2013		
Spain	3 June 2013	3 June 2013	2 April 2014
Saint Kitts and Nevis	5 June 2013		
Saint Lucia	3 June 2013		
Saint Vincent and the Grenadines	3 June 2013	3 June 2014	3 June 2014
Suriname	3 June 2013		
Swaziland	4 September 2013		
Sweden	3 June 2013	16 June 2014	16 June 2014
Switzerland	3 June 2013		
The former Yugoslav Republic of Macedonia	25 September 2013		6 March 2014
Togo	3 June 2013		
Trinidad and Tobago	3 June 2013	25 September 2013	25 September 2013
Turkey	2 July 2013		
Tuvalu	3 June 2013		
United Arab Emirates	9 July 2013		
United Kingdom of Great Britain and Northern Ireland	3 June 2013	2 April 2014	2 April 2014
United Republic of Tanzania	3 June 2013		
United States of America	25 September 2013		
Uruguay	3 June 2013		
Vanuatu	26 July 2013		
Zambia	25 September 2013		

[a] This signature also applies to the Walloon Region, the Flemish Region and the Brussels-Capital Region.
[b] Upon its approval of the Treaty, the Government of Denmark notified the Secretary-General that the Treaty shall not apply to the Faroe Islands and Greenland until further notice.

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Sixty-ninth session
Item 84 of the provisional agenda*
The scope and application of the principle of universal jurisdiction

The scope and application of the principle of universal jurisdiction

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 68/117, by which the Assembly requested the Secretary-General to prepare a report on the basis of information and observations received from Member States and relevant observers, as appropriate, on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties, and their national legal rules and judicial practice.

* A/69/150.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 68/117. It reflects comments and observations received since the issuance of the report of 2013 (A/68/113) and should be read together with that and prior reports (A/65/181, A/66/93 and Add.1, and A/67/116).

2. In accordance with resolution 68/117, section II of the present report, together with tables 1 to 3, focuses on specific information regarding the scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice. Information received from observers is provided in section III, and section IV contains a synopsis of issues raised by Governments for possible discussion.

3. Responses were received from Austria, Cuba, El Salvador, Kenya, Paraguay, Sweden and Togo.

4. Responses were also received from the Council of Europe, the International Maritime Organization, the Organization for the Prohibition of Chemical Weapons (OPCW) and the International Committee of the Red Cross.

5. The complete submissions are available from the website of the Sixth Committee of the General Assembly.

II. Scope and application of universal jurisdiction on the basis of the relevant domestic legal rules, applicable international treaties and judicial practice: comments by Governments

A. Basic legal rules

1. Constitutional and other domestic legal framework[1]

Austria[2]

6. According to section 64 of the Austrian Penal Code, Austrian courts have jurisdiction over certain crimes (e.g. extortive abduction, slave trade, trafficking in human beings, organized crime, drug-related crime, air piracy, terrorism-related acts) committed outside Austria, regardless of locally applicable law, if certain Austrian interests are affected. Under this provision, Austrian courts are also competent for other crimes committed outside Austria, regardless of locally applicable law, if Austria is under an obligation to prosecute under international treaties.

7. In the last two years, the number of crimes listed in section 64 has been increased to include additional crimes, such as rape, sexual coercion and torture.

8. According to section 65, Austrian courts have jurisdiction over crimes committed outside Austria if they are punishable under locally applicable law and if

[1] Table 1 contains a list of crimes contained in various codes, as mentioned in the comments by Governments.

[2] For previous comments submitted by Austria, see A/65/181.

the perpetrator is caught on Austrian territory and cannot be extradited for a reason other than the nature or features of his act.

El Salvador[3]

9. El Salvador reiterated that its domestic penal law expressly recognizes the principle of universal jurisdiction on the premise that some crimes must be condemned internationally (see A/66/93, paras. 19 and 54, and A/67/116, para. 6 and 37).

10. This principle has been incorporated into the Penal Code that has been in force since 1998, as one of the rules determining the application of Salvadoran penal law. The Code permits the prosecution of individuals for the commission of especially serious crimes against another individual where there are consequences that extend beyond the violation of that individual's rights to unlawfully affect the community at large. Article 10 of the Penal Code, on the principle of universality, provides that:

> Salvadoran penal law shall further apply to crimes committed by anyone in a place not subject to Salvadoran jurisdiction, where such crimes could affect rights protected by specific international agreements or rules of international law or seriously impair universally recognized human rights.

11. In accordance with this article, domestic penal law recognizes the specific characteristics of universal jurisdiction in that it involves a principle that sanctions the prosecution of serious crimes and can be applied without territorial or personal links to the perpetrator or the victim.

12. In Salvadoran legislation, the seriousness of a crime for the purposes of applying universal jurisdiction is determined by the extent to which it harms legal rights protected by specific international agreements or rules of international law, or has the potential to seriously impair universally recognized human rights. Unlike the legislation of other countries, Salvadoran law does not specifically enumerate crimes in respect of which universal jurisdiction might be applied; rather, such application would depend on whether the acts committed were sufficiently harmful to the international community as a whole, based on the above criteria.

Kenya[4]

13. The application by Kenya of the principle of universal jurisdiction dates back to the early twentieth century, with the enactment of its Penal Code (chapter 63, Laws of Kenya), in 1930, which criminalized, in section 69 (1), as read with section 69 (3),[5] the act of piracy committed by any person in the territorial waters of Kenya or on the high seas. The particular provisions state as follows:

> 69 (1) Any person who, in territorial waters or upon the high seas, commits any act of piracy *jure gentium* is guilty of the offence of piracy...
>
> (3) Any person who is guilty of the offence of piracy is liable to imprisonment for life.

[3] For previous comments submitted by El Salvador, see A/65/181, A/66/93 and A/67/116.

[4] For previous comments submitted by Kenya, see A/65/181.

[5] Repealed by the Merchant Shipping Act (chapter 389, Laws of Kenya).

Paraguay[6]

14. Further to its previous comments (see A/66/93, paras. 25 and 26), Paraguay confirmed that the principle of universal jurisdiction was reflected in article 8 of the Paraguayan Criminal Code, which states as follows:

> Article 8. Offences committed abroad in respect of legal assets enjoying universal protection
>
> 1. Paraguayan criminal law shall also apply to the following offences committed abroad:
>
> (1) Offences involving explosives, as set out in article 203, subparagraph 1 (2);
>
> (2) Attacks against civil aviation and maritime traffic, as set out in article 213;
>
> (3) Human trafficking, as set out in article 129;
>
> (4) Illicit trafficking in narcotics and dangerous drugs, as set out in articles 37 to 45 of Act No. 1.340/88;
>
> (5) Offences involving the authenticity of currency and securities, as set out in articles 264 to 268;
>
> (6) Genocide, as provided for in article 319;
>
> (7) Offences that Paraguay is required to prosecute under an international treaty currently in force, even when committed abroad.

15. Paraguay also noted that it was party to treaties containing the obligation *aut dedere aut judicare* (see table 3), noting that universal jurisdiction could be applied through the obligation *aut dedere aut judicare*, under which, if the perpetrator of an offence that was so serious that it merited prosecution outside the territory of the State in which it was committed was apprehended in the territory of another State, that State shall be obligated to extradite the suspect to the State claiming jurisdiction in order to prosecute him or her, or to bring proceedings against that person in its courts. Although this was not the application of the principle of universal jurisdiction *strictu sensu*, because States can decide not to prosecute but to extradite, it was unquestionably one mechanism through which States could cooperate with one another in order to combat impunity for serious offences and to achieve the goal of universal jurisdiction.

16. Paraguay also noted that, according to the principle of universal jurisdiction, some crimes were so serious that they affect the international community as a whole and, as a result, all States have the right, if not the obligation, to prosecute the perpetrators thereof, regardless of their nationality or that of their victims, or of the location where the crimes were committed. This exception to the usual rules of jurisdiction was enshrined in the Constitution of Paraguay, article 145 of which reads as follows:

> The Republic of Paraguay, on an equal footing with other States, recognizes a supranational legal order that guarantees human rights, peace, justice, cooperation and political, economic, social and cultural development.

[6] For previous comments submitted by Paraguay, see A/66/93.

Such decisions may be adopted only by an absolute majority of each house of Congress.

17. However, for Paraguay, the recognition of universal jurisdiction was not tied to the recognition of supranationality, as shown by comparative constitutional law. The constitutions of other States did not contain provisions similar to the article above, and that absence had not prevented those countries from recognizing the type of universal jurisdiction exercised by the International Criminal Court, as Paraguay had done.

18. Paraguay ratified the Rome Statute of the International Criminal Court on 14 May 2001. On 10 December 2002, through Decree No. 19.685, an executive branch inter-agency committee, whose members were appointed by the relevant ministries and other government entities, was established to consider and assess the adoption of legislation to ensure the proper functioning of the system and compliance with the obligations under the Rome Statute, with subsequent input from the Supreme Court of Justice and the Office of the Public Prosecutor. The efforts of that inter-agency committee resulted in the draft bill for the implementation of the Rome Statute, which was submitted to the legislature by the executive branch, under note No. 938 of 7 January 2013.

19. The draft bill comprises three chapters and 83 articles. With regard to national and universal jurisdiction, it provides, in articles 6 and 7, as follows:

Article 6
National jurisdiction and universal jurisdiction. Criminal investigation

When the commission of an act criminalized under the present Act is brought to the attention of the Office of the Public Prosecutor either *ex officio* or through a complaint, lawsuit or preliminary police action, the Office shall conduct an investigation in accordance with its functions as they pertain to the act in question, in accordance with national criminal procedure. Paraguayan courts shall also be competent to prosecute crimes committed outside Paraguayan territory by Paraguayan nationals or by foreign nationals, in accordance with the criminal law of Paraguay or international treaties or conventions to which the Republic of Paraguay is a party and is required to implement in its territory.

Article 7
Limitations on national jurisdiction

National jurisdiction shall not be exercised in the following cases:

1. When an appropriate request is made by the International Criminal Court for the surrender of the person;

2. When an appropriate extradition request is made by the State considered competent in the light of relevant legislation.

20. The draft bill was submitted by the executive branch under note No. 938 of 7 January 2013 to Congress, where it is currently under consideration.

21. The adoption of the draft bill would prevent potential jurisdictional conflicts between foreign courts or between the International Criminal Court and Paraguayan

courts when the latter attempt to exercise universal jurisdiction under article 8 of the Criminal Code of Paraguay and various international treaties ratified by the country.

22. The legislature of Paraguay was also considering a draft law to amend articles 236 and 309 of the Criminal Code, which should bring the country's criminal offences into line with those set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention on Forced Disappearance of Persons, in order to protect human rights and punish and eradicate those practices that violate human rights. The draft law was tabled at the end of May 2009 and submitted for consideration to the Senate committees dealing with human rights; constitutional affairs; defence and public security; legislation, codification, justice and employment; and equity, gender and social development.

23. Paraguay had also ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Through Act No. 3.941/10 and pursuant to the hierarchy of laws established in the Constitution, duly ratified and exchanged international instruments take precedence over domestic legislation, thus ensuring that people are protected against such offences.

Sweden[7]

24. Sweden exercises universal jurisdiction over crimes against international law (i.e. criminal jurisdiction based on the nature of the crime, irrespective of its location and of the nationality of the alleged perpetrator or victim (chapter 2, section 3.6, Swedish Penal Code. There is no double criminality requirement). The new Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes entered into force on 1 July 2014. The Act replaces the Genocide Act (1964:169) and the provision on international crime in the Penal Code that will cease to apply. The new Act strengthens the protection against war crimes committed in non-international armed conflicts, since the predominant part of the regulation concerning war crimes is applicable in international as well as non-international armed conflicts. The Act also introduces crimes against humanity as a new crime in Swedish legislation. Swedish courts have universal jurisdiction for the crimes covered by the Act.

25. In order to initiate proceedings for international crimes that are not implemented into Swedish national law, the offence in question must fall within the scope of the national criminal law of Sweden. Since 1986, Sweden has been party to the Convention against Torture, and Swedish courts may exercise universal jurisdiction over the crime of torture if the offence in question amounts to, for example, exceptionally gross assault under ordinary Swedish law.

Togo

26. The concept of universal jurisdiction is defined by the Togolese Penal Code, in the context of the jurisdiction of courts (articles 5-7) and, subsidiarily, by the Code of Penal Procedure, in the context of depositions by members of the Government and representatives of foreign Powers. Article 5 of the Penal Code states that:

[7] For previous comments submitted by Sweden, see A/65/181, A/66/93, A/67/116 and A/68/113.

> Criminal penalties may be handed down only by judges competent under the law to try the cases in question in accordance with their powers and geographical jurisdiction.

According to article 6 of the Penal Code:

> The Togolese courts are competent to try any offence committed on Togolese territory, including maritime and air space and ships or aircraft recognized by law, treaties or international custom as having national sovereignty.

27. Article 6 does not specify the treaties on which the jurisdiction of Togolese courts is based. That gap is filled by the draft Penal Code, in the process of being adopted, which gives jurisdiction to Togolese judges by reference to certain international conventions.

28. It may also be noted that the Courts are not competent to try offences committed on board foreign military vessels sailing or berthing in Togolese territorial waters.

29. An offence is deemed to have been committed in Togo if at least part of the *actus reus* or acts of complicity of the principal action took place in Togo. Article 7 of the Penal Code states that:

> The Togolese courts are competent to try any act classified as a crime under Togolese law that is committed by a Togolese national abroad. The courts are also competent to judge any offence committed abroad by a Togolese national if the act is also punishable by the law of the country where it was committed.
>
> The same shall apply if the accused has acquired Togolese nationality only after the act for which he or she is being prosecuted was committed.
>
> Proceedings may be brought only in the event of a complaint filed by the victim or notification of the acts by the authorities of the country where they were committed.
>
> The Togolese courts are also competent to try foreign nationals who, outside the national territory, have perpetrated, or been complicit in, offences against the security of the State, forgery of the State seal or currency counterfeiting, in the event that they have been arrested in Togo or duly extradited.

30. According to article 422 of the Togolese Code of Penal Procedure:

> The President of the Republic may, in criminal proceedings, when called as a witness, and if he deems it useful, provide a written statement following transmission of the case documents by the Minister of Justice.
>
> Members of the Government may serve as witnesses only upon written authorization by the President of the Republic. Such requests shall be transmitted, with the case documents, by the Minister of Justice.
>
> In such cases, the deposition is taken in writing at the witness's residence or office by the President of the Appeals Court.

31. By virtue of the articles cited above, the universal jurisdiction of the Togolese courts requires the offence, or at least part of the *actus reus*, to have been committed on Togolese territory, or else for the offence to have been committed by a Togolese national abroad and for the offence to be punishable under the law of the country

where it was committed. This jurisdiction is limited by international conventions and, in particular, by the principle of reciprocity.

32. The draft Penal Code, based on the provisions of the Penal Code currently applicable, extends the jurisdiction of the Togolese courts to offences committed abroad by any person, provided that the victim is of Togolese nationality at the time the offence was committed (article 10). Furthermore, territorial jurisdiction is affirmed with regard to offences relating to the security of the State (article 11) in cases where the presumed perpetrators have been arrested in Togo or duly extradited.

2. Applicable international treaties

33. A list of the treaties referred to, on the basis of information received from Governments, is provided in table 3.

3. Judicial and other practice

El Salvador

34. Thus far, no specific cases that would give rise to the application of the principle of universal jurisdiction have come before the Salvadoran courts. In the view of El Salvador, however, it was crucial to recognize the important role of universal jurisdiction as a tool for preventing impunity in connection with serious international crimes, such as genocide, torture, war crimes and other crimes which are not prosecuted owing to a lack of capacity or will on the part of the States in which they were committed.

Kenya

35. Kenya has applied the principle of universal jurisdiction, in its judicial practice, in the prosecution of piracy cases on the high seas, with the first trial having been conducted in 2006. The prosecution of a piracy case committed on the high seas has been the only occasion in which the Kenyan courts have successfully invoked the principle of universal jurisdiction.

36. The case involved 10 Somali nationals captured by the United States of America on the high seas, almost 200 miles off the coast of Somalia, in the Indian Ocean. The captured pirates were tried before a Senior Principal Magistrate Court in Mombasa, Kenya, for the offences of jointly attacking a United States vessel, identified as the MV Safina Al Bisaraat–M.N.V-723, on the high seas, 200 miles off the coast of Somalia, on 16 January 2006; threatening the lives of the vessel's crew; and demanding ransom of $500,000 from the vessel captain, contrary to section 69 (1), as read with section 69 (3), of the Penal Code (Chapter 63 Laws of Kenya). At the end of the trial, in October 2006, the Magistrate's Court found the 10 accused persons guilty of the offence of piracy and sentenced them to seven years imprisonment.

37. The accused persons appealed against the judgement of the Magistrate's Court to the High Court of Kenya, contesting, among other issues, the jurisdiction of the Magistrate's Court to try the case, on the grounds that the accused persons were non-nationals of Kenya and that the crimes for which they were convicted were committed outside Kenya, on the high seas of the Indian Ocean.

38. In May 2009, the High Court, in dismissing the appeal and upholding the judgement of the Magistrate's Court, found that the provisions of section 69 (1) of the Penal Code, which, until repealed by the Merchant Shipping Act, provided that any person on the high seas could be found guilty of the offence of piracy, were broad enough to cover the prosecution of non-national suspects captured on the high seas of the Indian Ocean, off the coast of Somalia.

39. Since 2006, when the first piracy case was instituted in the Kenyan courts, the Magistrate's Courts in Mombasa have adjudicated more than 17 piracy cases, involving 143 suspects.

Paraguay

40. In decision and judgement No. 195 of 5 May 2008, the Supreme Court of Justice ruled that "a State party cannot, under any circumstances, overlook the motives or legal grounds of a plea entered in relation to this type of punishable offence, or contrast the affirmation under examination with the intention of article 5 of the Constitution, which provides for the protection of victims of terrible and reprehensible crimes, a situation based on the position of the international community, which exempts both the substantive and procedural regulations in criminal matters and limits the imprescriptibility of criminal action and of the penalties incurred in relation to such crimes solely and exclusively to 'genocide and torture, in addition to enforced disappearance, kidnapping and murder for political reasons'".

B. Conditions, restrictions or limitations to the exercise of jurisdiction

1. Constitutional and domestic legal framework

Paraguay

41. Article 5 of the Constitution provides that "statutes of limitations shall not apply to genocide, torture, the enforced disappearance of persons, kidnapping and murder for political reasons ...".

Article 8, paragraphs 2 and 3, of the Paraguayan Criminal Code provide the following restrictions in relation to the prosecution of offences committed abroad in respect of legal assets enjoying universal protection:

> 2. Paraguayan criminal law shall apply only when the perpetrator of such an offence has entered the national territory.
>
> 3. Punishment under Paraguayan criminal law shall be excluded when a foreign court:
>
> (1) Has found the perpetrator not guilty in a final judgement; or
>
> (2) Has sentenced the perpetrator to a term of imprisonment and the sentence has been served or has been prescribed, or the perpetrator has been pardoned.

42. By its Act No. 3.458/08, the Paraguayan Congress ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against

Humanity, which had also been ratified by the executive branch and incorporated into the country's legal order.

Sweden

43. As noted previously (see A/66/93, para. 79; A/67/116, para. 21 and 27; and A/68/113, para. 21), in Sweden, prosecution of crimes against international law that have been committed outside of Sweden requires the authorization of the Government of Sweden or a person designated by the Government. There is no statute of limitations as regards genocide, crimes against humanity, gross war crimes and attempts to commit those crimes.

2. Judicial and other practice

Paraguay

44. On the question of whether statutes of limitations apply to criminal action or to the penalties incurred in relation to such crimes, the Supreme Court determined that no statute of limitations applied in either case. By establishing the imprescriptibility of torture, Paraguay has ensured a high standard of human rights protection and has reaffirmed the principle that the violation of fundamental human rights must not go unpunished.

45. Under the Constitution of Paraguay of 1992 and its criminal legislation, Paraguay is also empowered to exercise universal jurisdiction pursuant to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, annexed to resolution 60/147 adopted by the General Assembly on 16 December 2005.

46. Article 5 of the Constitution, referred to above, reflects Basic Principle IV, which is contained in the annex to resolution 60/147, which states that "statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law".

III. Scope and application of universal jurisdiction: comments by observers

Council of Europe[8]

47. The Council of Europe reiterated its previous comments (see A/66/93, para. 110, and A/68/113, para. 34) under which none of its conventions foresees the establishment of the so-called "universal" criminal jurisdiction, indicating nonetheless that 10 such conventions[9] contain provisions calling upon States to

[8] For previous comments submitted by the Council of Europe, see A/66/93 and A/68/113.

[9] European Convention on the Transfer of Proceedings in Criminal Matters (European Treaty Series (ETS) No. 73), part II; European Convention on the Suppression of Terrorism (ETS No. 90), article 6.1; Convention on the Protection of Environment through Criminal Law (ETS No. 172), articles 5.1 and 5.2; Criminal Law Convention on Corruption (ETS No. 173), article 17.1; Convention on Cybercrime (ETS No. 185), article 22.1; Council of Europe Convention on the Prevention of Terrorism (Council of Europe Treaty Series (CETS) No. 196), articles 14.1 and

ensure that their internal law establishes the jurisdiction of their criminal courts to judge a given conduct. Notwithstanding the foregoing, the Council of Europe conventions do not limit the possibility for the internal law of States party to establish other types of jurisdiction[10] than those contemplated in the conventions. The latter do not, therefore, prevent States party, whose internal law does so, from making use of the so-called "universal" jurisdiction.

48. The explanatory memorandums of Council of Europe conventions that contain provisions of this nature, but also of other conventions, provide additional information in this respect, and at times include direct references to the concept of "universal jurisdiction".[11] The explanatory memorandums are available on the website of the Treaty Office of the Council of Europe: http://conventions.coe.int.

49. The Council of Europe further reiterated its submission relating to the adoption, by the Committee of Ministers, of a reply to recommendation 1953 (2011) of the Parliamentary Assembly of the Council of Europe entitled "The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes", which makes reference to the issue of the "universal jurisdiction" (see A/68/113, para. 34).

50. As regards the case law of the European Court of Human Rights, the Council of Europe recalled that the jurisdiction of that Court extends "to all matters concerning the interpretation and application of the [European] Convention [on Human Rights] (hereafter ECHR) and the protocols thereto"[12] which are referred to it. Accordingly, the Court is not in a position to examine *in abstracto* the question of "universal jurisdiction".

51. The Court can only therefore verify the application of "universal jurisdiction" by the authorities of a State party to the Convention on Human Rights in relation to the examination in a concrete case of the conformity of such an application with the rights and freedoms guaranteed by the Convention and the protocols thereto. The Court has, for instance, been called upon to conduct such a review in the cases *Jorgic v. Germany*[13] and *Ould Dah v. France*,[14] respectively, in light of the

14.2; Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), articles 31.1 and 31.2; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), articles 25.1 to 25.6; Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), articles 44.1 to 44.4; Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (CETS No. 211), articles 10.1 and 10.2.

[10] ETS No. 73, art. 5; ETS No. 90, art. 6.2; ETS No. 172, art. 5.3; ETS No. 173, art. 17.4; ETS No. 185, art. 22.4; CETS No. 196, art. 14.4; CETS No. 197, art. 31.5; CETS No. 201, art. 25.9; CETS No. 210, art. 44.7; CETS No. 211, art. 10.6.

[11] See the explanatory memorandums of the Convention on the Protection of Environment through Criminal Law (ETS No. 172) and the Criminal Law Convention on Corruption (ETS No. 173), as well as that of the European Convention on the International Validity of Criminal Judgments (ETS No. 70).

[12] European Convention on Human Rights, article 32.

[13] European Court of Human Rights, *Jorgic v. Germany*, No. 74613/01, judgment of 12 July 2007, paras. 7, 8, 55, 64-72. For the Council of Europe's previous comments in relation to this case, see A/68/113, para. 35.

[14] European Court of Human Rights, *Ould Dah v. France*, No. 13113/03, decision on admissibility of 17 March 2009. For the Council of Europe's previous comments in relation to this case, see A/66/93, para. 112.

provisions of article 6 of the Convention, which guarantees the right to a fair trial, and the provisions of article 7, which guarantees the principle that offences and penalties must be defined by law.

International Maritime Organization[15]

52. The International Maritime Organization reiterated its previous comments while quoting expressly the provisions of article 6 of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

53. As at 16 April 2014, 164 States were parties to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; 30 States were parties to the 2005 Protocol to the Convention, which entered into force on 28 July 2010; 151 States were parties to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and 26 States were parties to the 2005 Protocol to the 1988 Protocol, which entered into force on 28 July 2010.

Organization for the Prohibition of Chemical Weapons[16]

54. The Organization for the Prohibition of Chemical Weapons (OPCW) noted that the number of States parties that had adopted implementing legislation to criminalize activities prohibited under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction had increased from 132 to 136, and that the number of States parties that had included an extraterritorial provision in their legislation had increased from 115 to 121.

55. OPCW stated that it had not found any example of States exercising universal jurisdiction to prosecute individuals for the use of chemical weapons on the basis of their Chemical Weapons Convention implementing legislation. There were instances, however, in which the use of chemical weapons or related offences had been prosecuted as international crimes, and there was at least one instance in which a national court had considered the use of chemical weapons as constituting an international crime in the exercise of its universal jurisdiction.

56. The Supreme Court of the Netherlands and the Iraqi High Tribunal had examined the use of chemical weapons as constituting war crimes and crimes against humanity as well as genocide in the *Van Anraat*[17] and *Anfal* cases.[18] In the *Van Anraat* case, charges of aiding and abetting violations of the laws and customs of war were brought against the defendant, who was determined to have knowingly and intentionally supplied chemicals that were used by the former Iraqi regime to produce chemical weapons that were used against the Islamic Republic of Iran and the Kurdish population. In the *Anfal* case, the Iraqi High Tribunal formally charged

[15] For previous comments submitted by the International Maritime Organization, see A/66/93, para. 116.

[16] For previous comments submitted by OPCW, see A/66/93, paras. 117-120, and A/67/116, paras. 29-32.

[17] For the text of the judgement, see http://www.haguejusticeportal.net/eCache/DEF/6/411.html.

[18] For reference, see http://trial-ch.org/enactivities/informing-the-public/international-justice-map/international-justice-map/archives/june-2009.html#06; http://jurist.law.pitt.edu/paperchase/2008/03/iraq-pm-says-no-chemical-ali-execution.php; and http://www.nti.org/gsn/article/chemical-ali-sentenced-to-death-again.

six defendants with genocide, crimes against humanity and war crimes for their alleged roles in planning, authorizing and executing the 1988 Anfal campaign, a series of large-scale attacks against the Kurdish population of northern Iraq, which involved the use of chemical weapons. Both of these cases, however, concerned prosecution of nationals of the States exercising jurisdiction.

57. Denmark, relying directly on the principle of universal jurisdiction, brought charges against a foreign national, Nizar al-Khazraji, who was allegedly involved in the use of chemical weapons against Iranian troops and the Kurdish population. The case was not prosecuted on the basis of a violation of the Chemical Weapons Convention but, rather, as a war crime, in violation of the 1949 Geneva Conventions relating to the protection of victims of international armed conflicts, as well as on the basis of various human rights abuses.[19]

58. OPCW submitted that the characterization of the use of chemical weapons as war crimes, crimes against humanity or genocide could provide a basis for the exercise of universal jurisdiction for the prosecution of the use of chemical weapons by national courts in those States that recognize the exercise of universal jurisdiction over the most serious international offences.

59. The prohibition of the use of chemical weapons contained in article I of the Chemical Weapons Convention exists as a principle of customary international law and, thus, is applicable to all States, even to those that have not become parties to the Convention. The Convention does not explicitly require States parties to prosecute the activities prohibited under it on the basis of universal jurisdiction. It only requires States parties to enact legislation to enable them to prosecute such prohibited activities when these are committed anywhere by their nationals or within their territorial jurisdiction.

60. States parties are not prevented from going beyond the requirements of the Convention and providing, in their legislation, for universal jurisdiction as a basis for prosecuting activities prohibited under it. However, only a limited number of States parties have made the commission of activities prohibited by the Convention, such as the use of chemical weapons, crimes of universal jurisdiction in their Convention implementing legislation.

61. While the use of chemical weapons has not been prosecuted by national courts on the basis of universal jurisdiction, its characterization as the material element of war crimes, crimes against humanity or genocide, could provide a basis for the exercise of universal jurisdiction in those States that recognize this principle as a basis for prosecution of international crimes.

[19] The trial in this case was never completed, however. Although Nizar al-Khazraji was placed under house arrest, he escaped from Denmark in 2003. Subsequently, the Danish authorities issued both national and international arrest warrants and indicated their willingness to request an extradition in the event the accused was found abroad. (See "Universal Jurisdiction in the European Union: Country Studies" (Brussels, REDRESS and the International Federation of Human Rights, 2003), available at http://www.redress.org/downloads/conferences/country%20studies.pdf.)

International Committee of the Red Cross[20]

62. The International Committee of the Red Cross (ICRC) reiterated its comments, contained in paragraphs 121 to 140 of A/66/93, regarding the basis for universal jurisdiction.

63. ICRC underlined that it had identified more than 100 States[21] that had established some form of universal jurisdiction over serious violations of international humanitarian law in their national legal order. Most of those States had adopted national legislation granting universal jurisdiction for any or a combination of grave breaches to the Geneva Conventions and Additional Protocol I; crimes under the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict; the 2006 International Convention for the Protection of all Persons from Enforced Disappearance; and the war crimes listed under article 8 of the Rome Statute of the International Criminal Court. A minority of States had investigated and prosecuted suspected criminals, basing their jurisdiction not on specific national legislation, but directly on international law, a practice which requires precise constitutional provisions that determine the status of international customary and treaty law in the domestic system.[22]

64. The laws and measures adopted at the national level have not remained speculative. Indeed, although some States had demonstrated reluctance to, or had limited the exercise of, universal jurisdiction on their territory, recent national court decisions and State initiatives have demonstrated that the exercise of the principle of universal jurisdiction is gaining more acceptance, and that States are willing to prevent and tackle impunity for war crimes perpetrated beyond their borders. In the past two years, investigation and prosecution on the basis of universal jurisdiction has increased, including prosecution for war crimes committed in international and non-international armed conflicts (the Netherlands recently tried an individual for war crimes committed during the Rwandan conflict, on the basis of universal jurisdiction).[23]

65. As for limitations to the exercise of jurisdiction, ICRC commented that, while international humanitarian law provides for absolute universal jurisdiction, the majority of States, when establishing universal jurisdiction for war crimes in their national legal order, have adopted a more pragmatic approach, attaching conditions to the exercise of such jurisdiction.

66. The tendency among such States was to require a link between the accused and the forum country, most often the presence of the accused in the prosecuting State. According to the information collected by ICRC and available on its National Implementation Database,[24] more than 40 States require, in their legislation and

[20] For previous comments submitted by ICRC, see A/66/93 and A/68/113.

[21] "Preventing and Repressing International Crimes: Towards an "Integrated" Approach Based in Domestic Practice, Report of The Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law", Vol. 1 (Geneva, ICRC Advisory Service on International Humanitarian Law, 2013).

[22] This is a particularity of countries with a monist legal tradition, according to which the act of ratifying an international treaty immediately incorporates this international law instrument into national law. By contrast, for States with a dualist legal system, international law must first be translated into national legislation before it can be applied by the national courts.

[23] *Public Prosecutor v. Joseph Mpambara* (12/04592 (ECLI:NL:HR:2013:1420)). Supreme Court of the Netherlands, 26 November 2013.

[24] National Implementation Database, ICRC Advisory Service on International Humanitarian Law. Available at http://www.icrc.org/ihl-nat.

case law, the presence of the presumed perpetrator on their territory before proceedings are instituted (for example, Argentina, Austria, Bosnia and Herzegovina, Canada, Colombia, France, India, the Netherlands, the Philippines, Spain, Switzerland and the United States of America). Some of those States, however, allow prosecution even in the absence of the accused, as long as his or her presence at least once during the investigation or trial phase is demonstrated. In some countries, the presence of the presumed perpetrator is not required (Germany, Italy, Luxembourg, New Zealand and the United Kingdom of Great Britain and Northern Ireland).

67. A number of other limitations have been attached to the implementation of universal jurisdiction. In many States, prosecution for crimes under universal jurisdiction requires the consent of a governmental or legal authority. Universal jurisdiction can, besides, be limited to certain categories of crimes (*ratione materiae* limitation). It is also generally considered that universal jurisdiction is a subsidiary jurisdictional basis that should be invoked only in cases in which national courts, that would be competent to prosecute on the basis of territoriality or nationality, refuse or are not able to do so.

68. Additional conditions may be taken into account. First, because State jurisdictions may be concurrent, the implementation of universal jurisdiction should be subject to judicial guarantees, including, but not limited to, the principles of individual responsibility, non-retroactivity, presumption of innocence and *ne bis in idem*, as well as an independent, impartial and properly constituted court and a fair trial. The implementation of universal jurisdiction should also take into account jurisdiction and penalties already exercised or imposed by another State or an international tribunal. Such guarantees are linked to the necessary existence of independent judicial authorities.

69. The exercise of universal jurisdiction also requires procedural conditions, especially given the difficulties related to the availability and safekeeping of evidence, respect for the rights of defendants and the protection of witnesses and victims, in a context in which the prosecution and trial of offences is occurring abroad. Such procedural guarantees include suitable provisions to facilitate investigations and the collection and evaluation of evidence. In this respect, strengthening of the law and of arrangements for extradition, international judicial cooperation and assistance is essential.

70. ICRC, while recognizing the will of States to frame the application of universal jurisdiction, believes that the conditions for opening criminal proceedings, or for justifying a refusal to do so, must be clearly and precisely defined. In addition, ICRC insists that conditions should enable the principle to gain in effectiveness and predictability, rather than limit its application. When dealing with effectiveness and predictability, judicial specialization and cultural sensitivity, including geographical proximity, may be relevant.

71. Since the Advisory Service on International Humanitarian Law was established, in 1996, universal jurisdiction has been a subject of particular interest to ICRC. Indeed, promoting the prevention and repression of serious violations of international humanitarian law is among the priority activities of the Advisory Service, with a particular emphasis on the means of establishing effective sanctions mechanisms. Universal jurisdiction is considered to be an important aspect of this process. In this context, the Advisory Service has been offering legal and technical advice and assistance to government experts on the national implementation of

relevant international humanitarian law provisions, and has been raising the awareness of States about the application of universal jurisdiction to war crimes.

72. In addition to its general activities, which encompass the issuing of legal opinions on draft laws; facilitating the exchange of information between States and other actors in international humanitarian law; organizing meetings of experts; conducting professional training courses; and developing specialized tools (databases, reports, fact sheets, etc.) that are made available to States and the general public, the Advisory Service undertook, in the past two years, various initiatives aimed at enhancing the efforts of States to efficiently implement the repression of serious violations of international humanitarian law, including by asserting universal jurisdiction.

73. Since December 2012, the Advisory Service has engaged in consultations with experts regarding individual criminal sanctions, with a particular emphasis on universal jurisdiction. These consultations are aimed at assessing the developments in State practice regarding universal jurisdiction since the establishment of the International Criminal Court.

74. In June 2013, *The Domestic Implementation of International Humanitarian Law: A Manual*[25] was updated, offering a practical tool to assist policymakers, legislators and other stakeholders in implementing international humanitarian law and in meeting all their obligations under that body of law, including the repression of serious violations and the application of universal jurisdiction.

75. In August 2013, a report of the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law, which took place in October 2010, was published. The report, entitled "Preventing and Repressing International Crimes: Towards an "Integrated" Approach Based in Domestic Practice"[26] and based primarily on national practice, explores the prevention and suppression of international crimes, paying particular attention to the role of domestic law and the legal mechanisms required to support an "integrated" system for the repression of these violations. The report also provides reflections on issues such as universal jurisdiction and the role of punishment in the prevention of serious violations of international humanitarian law.

76. ICRC continues to gather information on State practice relating to universal jurisdiction.

77. ICRC recognizes that under international humanitarian law and international criminal law, States are the primary entities in charge of investigating and prosecuting the perpetrators of serious violations of international humanitarian law. When States are unable or unwilling to take legal action against individuals suspected of committing such crimes on their territory or under their jurisdiction, and when international courts cannot exercise their jurisdiction, implementing universal jurisdiction has been revealed to be an effective way to ensure accountability and fight impunity.

78. Given the existing challenges to the efficient exercise of this principle, however, it seems fundamental to ICRC to continue to invest in national capacity-building and to support States in establishing appropriate national legislation to prosecute war crimes on the basis of both national and universal jurisdiction.

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[25] *The Domestic Implementation of International Humanitarian Law: A Manual* (Geneva, ICRC Advisory Service on International Humanitarian Law, 2011).

[26] See note 21 above.

IV. Nature of the issue for discussion: specific comments by States

Cuba[27]

79. Cuba stated that the scope and application of the principle of universal jurisdiction is a matter within the competence of all States Members of the United Nations. The work of defining this principle must therefore be conducted within the framework of the General Assembly, with the participation of all interested Member States. In that regard, Cuba supports the efforts of the working group of the Sixth Committee of the Assembly to examine the topic in a transparent and inclusive manner.

80. Cuba is of the view that the primary objective of the work of the General Assembly relating to universal jurisdiction should be to establish, through consensus, an international norm, or failing that, international guidelines to safeguard international peace and security and prevent the selective and manipulative use of the principle of universal jurisdiction.

81. The norm or international guidelines should be in line with the principles of the Charter of the United Nations and should clearly establish under what conditions or within which limits the principle of universal jurisdiction may be invoked, as well as the offences to which the principle would be applied. Such offences should be restricted to crimes against humanity. The principle should be invoked with the consent of the State in which the act was committed, or of the States of which the accused is a national, and only when it has been determined that there is no other way to bring criminal proceedings against the perpetrators.

82. The utmost respect for the principles enshrined in the Charter of the United Nations, in particular the principles of sovereign equality, political independence and non-interference in the internal affairs of States, is of vital importance in the application of the principle of universal jurisdiction.

83. The application of the principle of universal jurisdiction should be duly limited by absolute respect for the sovereignty, national jurisdiction and legal systems of States. The application of universal jurisdiction should be supplementary to the actions and national jurisdiction of each State, and under no circumstances should preference be given to universal jurisdiction over national jurisdiction. The application of universal jurisdiction should be limited to exceptional situations and to circumstances in which there is no other way to prevent impunity.

84. In addition, the scope of the principle of universal jurisdiction cannot be so far-reaching as to undermine the immunity granted under international law to Heads of State and/or Government, diplomatic personnel and other high-ranking officials. The immunity attached to those offices must not be called into question.

85. Universal jurisdiction cannot be used as a pretext to disparage and discredit the integrity, values and legality of different legal systems. The principle of universal jurisdiction should not be applied in order to diminish respect for a country's national jurisdiction or to distort its legal system.

86. Cuba reiterated its concern about the unwarranted use of this principle and denounced the unilateral, selective and politically motivated exercise of jurisdiction

[27] For previous comments submitted by Cuba, see A/65/181, A/66/93/Add.1, A/67/116 and A/68/113.

by the courts of certain developed countries against natural or juridical persons from developing countries, which has no basis in any international norm or treaty.

87. Cuba condemned the adoption at the national level of politically motivated extraterritorial laws targeting other States. This interventionist application and scope of the principle of universal jurisdiction is detrimental to the norms and principles of international law.

El Salvador

88. El Salvador stated that it would continue to support the consideration of this topic within the framework of the United Nations, since only with the establishment of general guidelines on its implementation in practice will States be prevented from misapplying the principle of universal jurisdiction or distorting it by introducing obstacles to its genuine implementation in cases of extreme importance.

Paraguay

89. Paraguay stated that universal jurisdiction was a legal institution of exceptional character with respect to the exercise of criminal jurisdiction, which serves to combat impunity and strengthen justice. Therefore, insofar as universal jurisdiction is a legal institution of international law, the framework for its application and exercise by States is necessarily defined by international law.

90. Although States have clearly stated that universal jurisdiction, international criminal jurisdiction and the obligation to extradite or prosecute (*aut dedere aut judicare*) are different legal institutions that should not be confused with one another, Paraguay considers them to be complementary institutions in the effort to end impunity.

Sweden

91. Sweden stated that the fight against impunity was a common goal shared by the Member States of the United Nations, with the aim of ensuring that individuals who commit international crimes such as genocide, crimes against humanity, war crimes and torture are brought to justice and that redress is provided for the victims.

92. States have a right and an obligation to either prosecute or extradite persons suspected of having committed genocide, crimes against humanity, war crimes or torture. Rights and obligations regarding prosecution and extradition derive from various legal bases for the exercise of jurisdiction. Not all indictments against foreign nationals in national fora are based on universal jurisdiction.

93. Sweden reiterated that it was of utmost importance that the rule of law govern national judicial systems in order to ensure an impartial and fair trial for all parties involved in an investigation or prosecution regarding international crimes.

Table 1
List of crimes mentioned in the comments by Governments concerning which universal jurisdiction (including other bases of jurisdiction) is established by their codes

Crime	*State*
Human trafficking	Austria, Paraguay
Extortive abduction, slave trade	Austria
Organized crime	Austria
Crimes committed by anyone in a place not subject to Salvadoran jurisdiction, where such crimes could affect rights protected by specific international agreements or rules of international law or seriously impair universally recognized human rights	El Salvador
Air piracy	Austria
Maritime piracy	Kenya
Terrorism-related acts	Austria
Offences involving explosives	Paraguay
Attacks against civil aviation and maritime traffic	Paraguay
Drug-related crime	Austria
Illicit trafficking in narcotics and dangerous drugs	Paraguay
Offences involving the authenticity of currency and securities	Paraguay
Genocide	Paraguay
Crimes against international law (i.e. criminal jurisdiction based on the nature of the crime, irrespective of its location and of the nationality of the alleged perpetrator or victim)	Sweden

Note: Paraguay specified that its criminal law also applies to offences that it is required to prosecute under an international treaty currently in force, even when committed abroad, and that the above list is not exhaustive.

Table 2
Specific legislation relevant to the subject, based on information submitted by Governments

Category	*Legislation*	*Country*
Crimes affecting protected rights in the international arena	Penal Code, article 10	El Salvador
Piracy	Merchant Shipping Act (Chapter 289 Laws of Kenya), 2009	Kenya

Category	*Legislation*	*Country*
Genocide	Draft Penal Code, article 143	Togo
War crimes	Draft Penal Code, article 145	Togo
Bacteriological weapons	Draft Penal Code, article 525	Togo
Chemical weapons	Draft Penal Code, article 528	Togo
Conventional weapons	Draft Penal Code, article 531	Togo
Cluster munitions	Draft Penal Code, article 541	Togo

Table 3
Relevant treaties that were referred to by Governments, including treaties containing *aut dedere aut judicare* provisions

A. Universal instruments

Piracy	United Nations Convention on the Law of the Sea, 1982	Kenya
Maritime navigation	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988	Kenya
International humanitarian law	Geneva Conventions of 1949 and the Additional Protocols thereto	Paraguay
Crimes against internationally protected persons, including diplomatic agents	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973	Paraguay
Aerial navigation	Convention for the Suppression of Unlawful Seizure of Aircraft, 1970	Paraguay
Taking of hostages	International Convention against the Taking of Hostages, 1979	Paraguay
Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Paraguay
Safety of United Nations and associated personnel	Convention on the Safety of United Nations and Associated Personnel, 1984	Paraguay
Enforced disappearance	International Convention for the Protection of All Persons from Enforced Disappearance, 2006	Paraguay

Terrorism	International Convention for the Suppression of the Financing of Terrorism, 1999	Paraguay
	International Convention for the Suppression of Acts of Nuclear Terrorism, 2005	Paraguay
Nuclear material	Convention on the Physical Protection of Nuclear Material, 1979	Paraguay
Crime of apartheid	International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973	Paraguay

B. Regional instruments

Enforced disappearance	Inter-American Convention on Forced Disappearance of Persons, 1994	Paraguay

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General Assembly

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Sixty-ninth session
Item 113 (c) of the provisional agenda*
Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Letter dated 22 July 2014 from the Permanent Representative of Thailand to the United Nations addressed to the President of the General Assembly

I wish to refer to Thailand's candidature to the Human Rights Council for the term 2015-2017 in the elections to be held in New York in 2014.

In this connection, I have the honour to submit herewith Thailand's voluntary pledges and commitments to the promotion and protection of human rights in accordance with paragraph 8 of General Assembly resolution 60/251 on the Human Rights Council (see annex). I would appreciate your arranging to circulate the present letter and its annex as a document of the General Assembly.

(*Signed*) Norachit **Sinhaseni**
Ambassador
Permanent Representative

* A/69/150.

14-58093 (E) 110814

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Annex to the letter dated 22 July 2014 from the Permanent Representative of Thailand to the United Nations addressed to the President of the General Assembly

Candidature of Thailand to the Human Rights Council, 2015-2017

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

Thailand's contributions to human rights

Reaching out: an advocate for the promotion of equal participation and opportunity

1. Thailand attaches utmost importance to the promotion and protection of the rights of all people, especially vulnerable groups such as children, women, persons with disabilities and the elderly. We aim for a "society for all" where the human rights of all groups are respected and equally protected.

2. We are a party to the Convention on the Rights of the Child and its three Optional Protocols; to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; and to the Convention on the Rights of Persons with Disabilities. We are also in the process of becoming a party to its Optional Protocol. Efforts have been continuously undertaken to revise our domestic legislation, taking into account the principles enshrined in these international human rights instruments. The Child Protection Act of 2003, the Juvenile and Family Court and Juvenile and Family Procedure Act of 2010 and the Persons with Disabilities Empowerment Act of 2007 are examples of such legislation.

3. We are a member of the executive boards of the United Nations Children's Fund (UNICEF) and of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for the term 2013-2015, and a member of the Commission on the Status of Women for the term 2012-2015. As a member of these bodies, we have worked to promote cooperation within the United Nations framework on the rights, development and empowerment of children and women, including advocating for zero tolerance concerning violence against them. As host country to the regional offices of UNICEF and UN-Women, we have supported both organizations in their efforts to assist other countries in the Asia-Pacific region in implementing programmes on children and women.

4. We support the work of all relevant United Nations bodies to protect the rights of children and women, such as the General Assembly, the Human Rights Council and the Commission on Crime Prevention and Criminal Justice.

5. We advocate the inclusion of human rights, equality and a people-centred approach as guiding principles of the post-2015 development agenda.

Hearing out: a bridge builder among different views and a country with an open mind

6. We listen to the views of all countries and stakeholders on human rights issues, taking into account their national specificities, and advocate a constructive approach of dialogue and cooperation in addressing the interests and concerns of all countries as they endeavour to promote and protect human rights.

7. We are a party to seven out of nine international human rights instruments and are in the process of ratifying an eighth one. We take into high consideration the comments and recommendations of relevant treaty bodies in order to improve the human rights situation in our country.

8. We attach importance to engagement with all stakeholders, including civil society, in the improvement of human rights situations.

Helping out: a supporter of technical cooperation and capacity-building in the field of human rights

9. Since 2010, when Thailand became a member of the Council, we have introduced an annual resolution on enhancing technical cooperation and capacity-building in the field of human rights, which has been adopted by consensus and has enjoyed cross-regional co-sponsorship.

10. We support the promotion and sharing of experiences, lessons learned and good practices in the implementation of international human rights instruments, including through regional conferences and workshops that we have hosted in cooperation with United Nations regional offices.

11. We have made voluntary contributions to the Office of the United Nations High Commissioner for Human Rights to help support the implementation of its human rights programmes in various countries and to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to promote technical cooperation and capacity-building on human rights among member States of the Association of Southeast Asian Nations.

12. We promote human rights education both at home and abroad.

Thailand's commitments and pledges on human rights

13. At the national level, Thailand pledges to:

- Complete internal processes in order to become a party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to withdraw our interpretative declaration to article 18 of the Convention on the Rights of Persons with Disabilities on the liberty of movement and nationality of persons with disabilities
- Take into account the recommendations received from United Nations human rights mechanisms in order to improve the human rights situation in the country, including recommendations received under the universal periodic review, the treaty bodies of the international human rights instruments to which we are a party, and the special procedures mandate holders
- Study the possibility of abolishing the death penalty
- Promote dialogue between Government agencies and civil society on the improvement of the human rights situation in the country
- Promote an inclusive society where persons with disabilities and the elderly can live in dignity and contribute meaningfully to society

- Support human rights education and training for law enforcement officers
- Promote the rights of the poor, especially their rights to health and decent work, through universal health coverage and other programmes
- Increase efforts to amend national legislation and regulations to ensure their compliance with our obligations under international human rights instruments
- Promote a society that is guided by tolerance as well as interfaith and intercultural dialogue
- Ensure access to justice for all without discrimination and continue to fight against impunity
- Promote the rule of law, good governance, transparency and anti-corruption to ensure the human rights and well-being of all people
- Develop and implement the third national human rights plan of Thailand

14. At the regional level, Thailand pledges to:

- Cooperate with neighbouring and regional countries to further promote human rights education through, among other things, the granting of scholarships
- Encourage cooperation between regional human rights mechanisms
- Cooperate with United Nations bodies and other countries on a voluntary basis to promote technical cooperation and capacity-building in the field of human rights, especially on the rights of the child, women and persons with disabilities
- Raise awareness about the principles and importance of a rights-based approach to development
- Cooperate with other countries to address transnational crime, especially human trafficking and people smuggling, taking into account the specific needs of vulnerable groups such as women and children

15. At the international level, Thailand pledges to:

- Support the work of the Council and other United Nations human rights mechanisms to improve the real situation on the ground on a non-discriminatory basis
- Promote the review of the human rights situation of all countries in a non-selective manner through the universal periodic review mechanism, especially the implementation of accepted recommendations and voluntary pledges from the first universal periodic review cycle
- Cooperate with other countries to promote and protect human rights, especially the rights of women, children and persons with disabilities, in accordance with relevant international human rights instruments
- Promote the elimination of violence against children and women in line with relevant international principles
- Foster and support international dialogue on democracy, the rule of law and good governance

- Advocate interfaith and intercultural dialogue to foster an environment of mutual understanding, tolerance, peace and respect among faiths

16. Thailand wishes to do the following to enhance the effectiveness of the Council:

- Advocate a constructive approach, emphasizing the inclusive engagement of all countries in respect of human rights, which has been the core principle of the Council since its inception
- Give equal importance to the work of the Council on civil and political rights and on economic, social and cultural rights, including the right to development
- Work to find a balanced approach to promoting constructive cooperation between States and special procedures mandate holders, without infringing upon the sovereignty and independence of either side
- Strengthen the Council's role in technical cooperation and capacity-building in the field of human rights among States, and between States and relevant United Nations mechanisms
- Mainstream human rights into the post-2015 development agenda, as well as other activities of the United Nations

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Sixty-ninth session
Item 99 of the provisional agenda*
Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

United Nations Institute for Disarmament Research

Note by the Secretary-General

The Secretary-General hereby transmits to the General Assembly the report of the Director of the United Nations Institute for Disarmament Research on the activities of the Institute for the period from August 2013 to July 2014 and the proposed programme of work and financial plan for 2014 and 2015.

The report was considered and approved for submission to the General Assembly by the Board of Trustees of the Institute at the sixty-second session of the Secretary-General's Advisory Board on Disarmament Matters, held in Geneva from 2 to 4 July 2014. The Board of Trustees emphasizes the critical role that the Institute plays in supporting the efforts of the international community to move towards disarmament, arms control and peace and security, in view of the limited progress made by other components of the United Nations disarmament machinery. The Board also reiterates its serious concern about the impact on the Institute as a result of both the continuing adverse financial situation and the limited size of the subvention from the United Nations regular budget allocated towards meeting the costs of the Director and the Institute staff. The Board of Trustees therefore recommits to its responsibilities as outlined in article III of the Statute of the Institute, and has made appropriate recommendations with a view to ensuring the effectiveness and continuity of the Institute's operations.

* A/69/150.

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Report of the Director of the United Nations Institute for Disarmament Research on the activities of the Institute for the period from January to December 2013 and the proposed programme of work and financial plan for 2014 and 2015

Summary

The present report covers the activities of the United Nations Institute for Disarmament Research (UNIDIR) between January and December 2013, the ongoing and proposed programme of work and financial plan for 2014, and the proposed programme of work and financial plan for 2015. It was prepared in compliance with General Assembly resolution 39/148 H, in which the Assembly invited the Director of UNIDIR to report annually to the Assembly on the activities of the Institute. The present report highlights the achievements of the Institute during the above-mentioned period, as well as its current institutional and financial situation.

The work of UNIDIR is divided into five research programmes: weapons of mass destruction, weapons of societal disruption, security and society, emerging security threats, and process and practice. UNIDIR promotes progress on disarmament, arms control, peace and security in a number of ways, including offering analyses of current security problems, with a focus on policy-oriented solutions and working closely with Member States to support ongoing negotiations.

During 2013, UNIDIR conducted 13 individual projects, held 21 conferences and seminars and issued 24 publications. UNIDIR staff also participated in many conferences held by partner organizations, such as Chatham House, the Geneva Centre for Security Policy, the Geneva Forum, the University for Peace and Wilton Park. In addition, UNIDIR staff contributed to efforts to break the stalemate at the Conference on Disarmament by advising Conference presidencies and working directly with Geneva-based representatives of Member States. All projects due to be finished in 2013 were successfully completed; the Institute's goal of increasing the number of its events and publications was also successfully met.

With regard to the 2014 programme of work, as of the end of April 2014, UNIDIR had seven projects under way, had published two reports and had held 11 events. Four more projects, seven publications and seven events are in the pipeline, with either partial or pledged funding. A number of other projects, events and publications are in the initial planning stages. In addition, UNIDIR was selected as the expert consultant for the group of governmental experts that has been requested to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The first session of the group was held in Geneva from 31 March to 11 April 2014; the group will also meet during 2015. UNIDIR will also serve as the expert consultant for the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security scheduled to meet from July 2014 through 2015.

As the current Director will be departing the Institute on 31 December 2014, the specific priorities of the 2015 programme of work will be decided by the incoming Director. Currently, a minimum of 20 projects, activities and papers across

the five programmes of work are foreseen, with an emphasis on continuing the themes for each programme launched in 2014.

The present report also contains information on the status of voluntary funds received from Governments and other sources, which cover the vast majority of the budget of the Institute and finance all its operational activities. As voluntary funds have traditionally come from only a handful of Member States, UNIDIR has been actively seeking to expand its donor base as part of its resource mobilization strategy. Contributions earmarked for projects have continued to rise slightly, despite the fact that there is increasing competition for a smaller pool of available funding. However, non-earmarked contributions for Institute staff and support continue to decline. About 85 per cent of the Institute's annual income is earmarked for specific projects and includes restrictions on funding for overhead support, which includes the planning, management, administrative and other institutional activities necessary to give effect to its programmes and outputs. The growing gap between institutional support and project funding is unsustainable and must be addressed.

The present report highlights the continuing importance of the subvention from the United Nations regular budget. The subvention guarantees the independence of the Director of UNIDIR, and it has been repeatedly recommended by Member States, the Board of Trustees and the General Assembly that it should help to defray the Institute's staffing costs.

The Director notes that, in recent years, the subvention from the regular budget has not been able to cover the costs of institutional (i.e. non-project) staff. In 2014, the subvention will only cover 84 per cent of the costs of the Director.

The General Assembly, in its resolution 68/247, approved a subvention to UNIDIR of $577,800 for the biennium 2014-2015. In its resolutions 60/89 and 65/87, the Assembly recommended that the Secretary-General implement the relevant recommendations of the Office of Internal Oversight Services and the decisions of the Board of Trustees on the funding of the Institute, within existing resources.

I. Background

1. The present report covers the activities and financial status of the United Nations Institute for Disarmament Research (UNIDIR) during the period January to December 2013, the ongoing and proposed programme of work and financial plan for 2014 and the proposal for 2015.

2. UNIDIR was established in 1980 (see General Assembly resolution 35/152 H) and its statute was approved by the Assembly in 1984 (resolution 39/148 H). Under the statute, the Institute, as an autonomous research institution within the United Nations framework, is mandated:

(a) To provide the international community with more diversified and complete data on problems relating to international security, the armaments race and disarmament in all fields, particularly in the nuclear field, so as to facilitate progress, through negotiations, towards greater security for all States and towards the economic and social development of all peoples;

(b) To promote informed participation by all States in disarmament efforts;

(c) To assist ongoing negotiations on disarmament and to continue efforts to ensure greater international security at a progressively lower level of armaments, particularly nuclear armaments, by means of objective and factual studies and analyses;

(d) To carry out more in-depth, forward-looking and long-term research on disarmament, so as to provide general insight into the problems involved, and to stimulate new initiatives for new negotiations.

3. For more than 30 years, UNIDIR has been at the forefront of efforts to create holistic approaches to disarmament, peace and security — focusing on human security, bridge-building and raising awareness about the need for cross-stakeholder cooperation. This highlights the unique role of UNIDIR as a trusted member of the United Nations system and disarmament machinery, but at the same time as a source of independent information and analysis and as an agent of change. In an era in which much of the United Nations disarmament machinery remains critically challenged, the contributions of UNIDIR to progress on arms control, disarmament and security are ever more important.

4. As the global financial crisis continues to affect many States, ministries of foreign affairs are seeing staff reductions and budget cuts. Thus, the services provided by UNIDIR for the diplomatic, policy and practitioner communities are in demand more than ever before.

A. Vision statement

5. The driving vision of UNIDIR is that of a world in which human security is ensured, where peace prevails over conflict, weapons of mass destruction are eliminated, conventional arms proliferation is avoided and reduced military spending accompanies global development and prosperity, as envisioned in Article 26 of the Charter of the United Nations. UNIDIR thus seeks to serve as a progressive agent of change aimed at meeting those goals.

B. Mission statement

6. The mission of UNIDIR, as an autonomous research institute within the United Nations, is to assist the international community in creating and implementing solutions to disarmament and security challenges. Through its research and educational efforts, UNIDIR seeks to advance arms control and disarmament, contribute to conflict prevention and promote the development of a peaceful and prosperous world. UNIDIR strives to anticipate new security challenges and threats, and to develop possible methods to address them before they become critical. Finally, UNIDIR serves as a bridge — both among United Nations disarmament, security and development organizations and between the United Nations system and the broader security community — to create the necessary synergies to address and mitigate the effects of insecurity at the international, regional and local levels.

II. Programme of work

A. Performance information (based on actual accomplishments between January and December 2013)

7. Through its research, analysis, educational activities, convening power and consulting services, the Institute serves as the only United Nations think tank on arms control, disarmament and international security. The work of UNIDIR is divided into five research programmes: weapons of mass destruction, weapons of societal disruption, security and society, emerging security threats, and process and practice. This structure ensures that UNIDIR addresses a wide range of security issues, as foreseen in its mandate, provides easier entry points for users of the research conducted by the Institute and helps donors to focus on their areas of interest.

8. In 2013, UNIDIR conducted 13 individual projects, held 21 conferences and seminars, and issued 24 publications. UNIDIR staff also participated in myriad conferences held by partner organizations such as Chatham House, the Geneva Centre for Security Policy, the Geneva Forum, the University for Peace and Wilton Park. In addition, UNIDIR staff contributed to efforts to break the stalemate at the Conference on Disarmament by advising conference presidencies and working directly with Geneva-based Member State ambassadors and representatives. UNIDIR staff also conducted a number of consultancy and advisory meetings with various Member States.

1. Weapons of mass destruction

9. The mandate of UNIDIR gives high priority to work aimed at the elimination of weapons of mass destruction, particularly nuclear weapons. Projects under the weapons of mass destruction programme are described below.

(a) Transparency and accountability in nuclear disarmament

10. The project on transparency and accountability in nuclear disarmament, begun in 2012, explored legal and practical measures to expand to other nuclear-weapon States the transparency and verification arrangements that were developed as part of the Treaty between the United States of America and the Russian Federation on

Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the New START Treaty). A two-part study entitled *A New START Model for Transparency in Nuclear Disarmament* and an online case study were published as planned in early 2013.

(b) Promoting implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

11. UNIDIR, in conjunction with the Geneva Forum, held as planned six meetings in 2012 and 2013 on 12 specific subjects related to the action plan on nuclear disarmament agreed at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The objective was to support diplomats preparing for the meetings in the period 2012-2014 of the Preparatory Committee for the 2015 Review Conference. Each meeting was attended by approximately 70 Geneva-based diplomats. In April 2013 UNIDIR also co-sponsored a briefing on issues related to negotiations on a fissile-material treaty.

12. UNIDIR collaborated with the Federation of American Scientists and the Natural Resources Defense Council on a study promoting de-alerting of nuclear weapons as one of the next key steps in promoting disarmament and the goals of the Nuclear Non-Proliferation Treaty. A report, *Reducing Alert Rates of Nuclear Weapons*, was produced as planned in early 2013.

13. In October 2013 UNIDIR co-sponsored, with Canada and the Netherlands, a briefing on the margins of the First Committee of the General Assembly on the topic "Fissile material cut-off treaty: the group of governmental experts and beyond".

(c) Support for the Open-Ended Working Group on Nuclear Disarmament

14. The General Assembly, in its resolution 67/56, established an Open-Ended Working Group to take forward proposals for multilateral negotiations on nuclear disarmament. UNIDIR was requested to assist the Chair in conducting the Group's work, including through the provision of a background paper and the participation of three Institute experts as panellists for the Working Group's discussions, held between May and August 2013.

(d) Improving implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

15. In early 2013, UNIDIR produced as planned a study entitled *A Peer-Review Mechanism for the Biological and Toxin Weapons Convention*, aimed at exploring how a process of peer review could help States parties to improve their implementation of the treaty and promote confidence in compliance.

(e) Supporting the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

16. In 2013, UNIDIR and the Organization for the Prohibition of Chemical Weapons (OPCW) began planning a structured programme of cooperation for the period 2013-2014 designed to support OPCW as it shifts the focus of its activities. The first joint briefing, held in The Hague in February 2013, was entitled "The Chemical Weapons Convention: the new agenda".

2. Weapons of societal disruption

17. The use of conventional weapons in conflict zones has an immediate impact on local societies. The project under the weapons of societal disruption programme is described below.

Supporting the Arms Trade Treaty

18. UNIDIR began work in 2008 to support the process of developing an arms trade treaty. During 2012 and 2013, UNIDIR worked closely with Member States to support regional dialogue on specific areas of contention within the draft treaty language. In April 2013, the second round of negotiations successfully produced the first-ever treaty setting international standards for regulating the trade in conventional arms. UNIDIR, through the Geneva Forum, established the Arms Trade Treaty Network to create a "safe space" for States, United Nations agencies and non-governmental organizations to discuss issues related to the entry into force and implementation of the Treaty. The design and activities of the Network, which is based in Geneva, are modelled on the successful precedent of the Geneva Forum's work on the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

3. Security and society

19. UNIDIR was a pioneer in developing thinking about disarmament as a human security issue, coining the expression "disarmament as humanitarian action" in 2003 for a project of the same name. The interface between security and local communities and the individual is the focus of the security and society programme. Projects are described below.

(a) Humanitarian impacts of nuclear weapons

20. In its first phase of work, from January to July 2013, the project on the humanitarian impacts of nuclear weapons focused on examining contemporary developments in the discourse on nuclear weapons. Among its outputs, the project produced three analytical papers and a volume of diverse perspectives that complement and extend aspects of discussions at an international conference on the humanitarian impacts of nuclear weapons held in Oslo on 4 and 5 March 2013. The project's first publication, *Viewing Nuclear Weapons Through a Humanitarian Lens*, was released at a side event of the First Committee of the General Assembly in New York in October 2013. In August 2013, UNIDIR had already commenced the second phase of research, examining the challenges to United Nations emergency preparedness and humanitarian coordination and response in the event of nuclear weapon detonations. That research, the results of which are to be published in July 2014, is being conducted in cooperation with the United Nations Office for the Coordination of Humanitarian Affairs and the United Nations Development Programme (UNDP).

(b) Weaponizing increasingly autonomous technologies

21. The development of autonomous robotic weapons systems raises not only profound questions about the future conduct of warfare, but also societal, ethical and moral questions. The UNIDIR seminar on lethal autonomous robots held on 23 May 2013 was designed to bring together human rights and disarmament

practitioners to begin a cross-stakeholder dialogue on this complex issue. A briefing entitled "Lethal autonomous robotics: shared concerns, different approaches", was held on the margins of the First Committee in 2013. As part of the preparatory phase of the project for 2014, UNIDIR, in partnership with the Geneva Academy of International Humanitarian Law and Human Rights, convened an expert meeting in December 2013 on armed drones and robots in the context of international law.

(c) Disarmament education

22. In fulfilling its mandate to provide the international community with more diversified and complete data, studies and analyses, UNIDIR considers disarmament education to be a key pillar of its activities.

23. In 2013, the Institute began publishing a series of concise briefings on disarmament and security issues, entitled "Understanding disarmament". Each volume is devoted to a single topic and covers key historical elements, the current state of affairs, significant controversies or differences in positions on the topic, potential next steps, key terminology and suggested further reading. While the primary audience for the series is disarmament decision makers and practitioners, "Understanding disarmament" will be a useful tool for students and members of civil society looking for an entry point to these issues.

24. The "Understanding disarmament" series is designed for production in an electronic book format, readable on mobile devices. In addition, UNIDIR will actively encourage the translation of the volumes into languages other than English. The first volume, "Negotiation of a ban on the production of fissile materials" was published in mid-2013.

4. Emerging security threats

25. One of the strengths of UNIDIR is its role as a sort of early warning system for trends that could become serious threats to international peace and security. Projects under the emerging security threats programme are described below.

(a) Cybersecurity

26. Pursuant to General Assembly resolution 66/24, a group of governmental experts was established in 2011 to study threats in the sphere of information security and possible cooperative measures to address them, including norms, rules or principles of responsible behaviour of States and confidence-building measures. UNIDIR was selected as consultant to the group, a role it played in the successful meetings of the group of governmental experts in 2010 and 2011 on the same topic. The group issued its report in September 2013.

27. In 2012 and 2013, UNIDIR worked with the Center for Strategic and International Studies and the Institute for Peace Research and Security Policy of the University of Hamburg on a first-of-its-kind, open-source survey of State activities and multilateral efforts to avoid conflict in the cyber domain. The study, which was envisioned as the foundation for an annual survey, was published in early 2013.

28. A seminar on the topic "Cyberthreats: information as a weapon?" was held in New York on 9 October 2013 as a side event of the First Committee.

(b) Space security

29. The theme of the annual UNIDIR space conference, held in Geneva on 2 and 3 April 2013, was "Space security 2013: enhancing confidence, ensuring space stability". In Geneva on 4 April, at the request of the Group of African States, UNIDIR provided a special, in-depth briefing on space security to members of the Group of African States, designed to raise awareness and begin capacity-building within African nations on issues surrounding space security.

30. With the support of the European Union, UNIDIR is working to build international understanding of, and support for, a code of conduct for outer space activities, through a series of regional meetings, background papers, expert consultations and support activities. In 2013, five regional seminars were held as planned: in Bangkok, Astana, Mexico City, Kyiv and Addis Ababa. In addition, the project produced 12 background papers and seminar reports.

31. UNIDIR acted as a consultant for the group of governmental experts on transparency and confidence-building measures for outer space activities, mandated by the General Assembly in its resolution 65/68, which successfully completed its work in July 2013.

5. Process and practice

32. The UNIDIR process and practice programme assesses the implementation and results of disarmament instruments, develops targeted tools to assist implementation efforts and recommends improved processes and better methods of stakeholder cooperation and collaboration. The objective is to help policymakers and operational personnel to create more cost-effective programming that can achieve maximum impact. Projects are described below.

(a) Evidence-based programming design for reintegration

33. In August 2011, UNIDIR initiated a project on evidence-based programme design for reintegration, in direct support of the Inter-Agency Working Group on Disarmament, Demobilization and Reintegration for the period 2011-2013. Building upon the "best process" approach developed by UNIDIR, the project was designed in three phases, two of which have been completed. In the first phase, completed in 2012, a framework was developed for working with evidence in the design of reintegration programming; in the second phase, initiated in April 2012 and concluded in August 2013, that approach was translated into a prototype tool and process for reintegration practitioners. The prototype was published in late 2013 as planned, and an event showcasing the work was subsequently held in Geneva.

(b) Supporting the use of the International Small Arms Control Standards

34. UNIDIR and the Monterey Institute of International Studies are establishing concrete indicators for each module under the International Small Arms Control Standards (ISACS), implemented by the Coordinating Action on Small Arms (CASA) initiative, to assist with the implementation of global commitments to control small arms and light weapons through a comprehensive yet easy-to-use software tool. Following the successful building of a prototype in 2012, the tool was validated and tested, including in field tests in a number of countries and areas (Bosnia and Herzegovina, Germany, Ghana, Kenya, Montenegro, Nepal, Somalia,

South Sudan, Trinidad and Tobago and Kosovo)[1] during 2013. The final product will allow the user to generate statistics on implementation efforts, prioritize critical areas, measure implementation trends over time and identify areas for improvement. This will assist in promoting ISACS as the normative basis for assessing, evaluating and reporting on national efforts to control small arms and light weapons.

(c) Geneva Forum

35. UNIDIR is a founding partner of the Geneva Forum, along with the Quaker United Nations Office and the Centre on Conflict, Development and Peacebuilding of the Graduate Institute of International and Development Studies. Through its public briefings and private workshops, the Geneva Forum offers a unique "safe space" for policymakers and practitioners to build arms-control agendas and support current negotiations. The Forum holds informal meetings and seminars, including an annual orientation for diplomats newly based in Geneva and charged with arms-control issues. The Forum has traditionally placed heavy emphasis on issues related to small arms, and in 2013 the focus was on the Arms Trade Treaty and the establishment (with the Geneva Centre for Security Policy) of the Arms Trade Treaty Network.

B. Resources and expenditure for 2013

36. The planned income of UNIDIR for 2013 was $1,358,200; actual income was $3,145,900; and total expenditure was $3,059,400, as shown in table 1. About 85 per cent of the voluntary funding of UNIDIR is in the form of earmarked funds for specific projects. Projects and activities receive funding on a rolling basis throughout the year. Thus, annual and biennial budgeting is of an indicative nature. Advance planning figures are based on an assessment of the Institute's desired accomplishments for the year and an assessment of historical trends in funding.

Table 1
Income and expenditure for 2013
(Thousands of United States dollars)

Description	*Initial estimates*	*Actual*	*Difference (shortfall)*
Funds available at the beginning of the year	1 423.7	1 998.6	574.9
Income:			
Voluntary contributions and public donations[a]	980.9	2 789.7	1 808.8
Subvention from the United Nations regular budget	301.2	285.9	(15.3)
Other inter-organization contributions	36.1	33.1	(3.0)
Interest income	20.0	14.4	(5.6)
Miscellaneous income	20.0	22.8	2.8
Total income	**1 358.2**	**3 145.9**	**1 787.7**

[1] All references to Kosovo in the present document should be understood to be in the context of Security Council resolution 1244 (1999).

Description	*Initial estimates*	*Actual*	*Difference (shortfall)*
Prior-period adjustments	0.0	0.0	0.0
Refund to donors	(116.9)	(143.2)	(26.3)
Total funds available	**2 665.0**	**5 001.3**	**2 336.3**
Institutional expenditure:			
Staff and other personnel costs[b]	1 310.7	1 178.3	(132.4)
Institutional travel	15.9	18.4	2.5
Operating expenses	53.9	93.8	39.9
Project-related costs:			
Staff and other personnel costs[c]	494.6	1 244.3	749.7
Travel	77.2	159.1	81.9
Contractual services	17.4	9.8	(7.6)
Acquisitions	13.0	42.8	29.8
Fellowships, grants and other	344.2	155.3	(188.9)
Total direct expenditure	**2 326.9**	**2 901.8**	**574.9**
Programme support costs	101.3	157.6	56.3
Total expenditure	**2 428.2**	**3 059.4**	**631.2**
Fund balance at the end of the year	**236.8**	**1 941.9**	**1 705.1**

[a] See annex II for details of voluntary contributions in 2013.
[b] A decrease of $132,400 between the initial estimates and the actual institutional staff costs results from the departure of two core staff members during 2013.
[c] An increase of $749,700 between the initial estimates and the actual project staff costs reflects the minimal provisions made for research programmes in 2012.

C. Current status of planned activities and financial situation for 2014

37. It should be noted that several projects funded and started in 2013 were still ongoing in 2014. The completion of the UNIDIR programme of work for 2014 will be dependent on the securing of funds throughout the year for planned projects, as set forth below.

1. Weapons of mass destruction programme

38. UNIDIR has been asked to serve as the expert consultant for the group of governmental experts that is to "make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" (General Assembly resolution 67/53). The first session of the group was held from 31 March to 11 April 2014. The second session will be held from 11 to 22 August 2014, and two more sessions will be held in 2015.

39. UNIDIR, in cooperation with the International Panel on Fissile Materials, held a side event on practical steps towards nuclear disarmament at the third session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held from 28 April to 9 May 2014.

40. On 25 and 26 June 2014, UNIDIR held a one-and-a-half-day conference on the subject of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

41. In 2014 UNIDIR is planning to launch a project on nuclear safety and security in the Gulf region; a follow-up to the nuclear transparency project; and a one-and-a-half-day conference on moving forward with nuclear disarmament.

2. Weapons of societal disruption programme

42. UNIDIR is implementing the Weapons and Ammunition Management in Somalia project in 2014, assisting the Federal Government of Somalia in strengthening its physical security and stockpile management practices and in building the capacity of its security institutions for effective weapons and ammunition management. The Project is being implemented following the adoption of Security Council resolution 2093 (2013), by which the Council partially lifted a 20-year-old arms embargo on Somalia in order to strengthen the Federal Government's capacity to combat insurgents and protect the Somali people. A technical workshop was held on 21 and 22 January 2014, with the participation of the Federal Government of Somalia, the United Nations Assistance Mission in Somalia, the United Nations Mine Action Service and UNDP. The capacity-building report was launched in May 2014. In response to the interest expressed by other countries and United Nations agencies, follow-up activities are being planned with a particular focus on stockpile security and diversion.

3. Security and society programme

43. Staff of the project on the humanitarian impact of nuclear weapons took part in a conference hosted by Mexico on 13 and 14 February 2014. A study on the humanitarian impacts of nuclear weapons, with a focus on emergency preparedness, will be published in July 2014. Owing to the great interest expressed by Member States, the project, initially due to be wrapped up in August, is now planned to continue with a follow-on effort. It will still be ongoing in December 2014, when a conference is to be held in Vienna, and in 2015, when the Review Conference of the Parties to the Nuclear Non-Proliferation Treaty will be convened.

44. Under the Weaponization of Increasingly Autonomous Technologies: Implications for Security and Arms Control project, a group of experts from various disciplines has been established to explore aspects of this emerging issue. The group held its first meeting on 19 and 20 March 2014. The second meeting was held on 19 and 20 May 2014, and the first framing paper was subsequently released. At least one more meeting and paper are being planned for 2014, with additional activities dependent on the securing of new funding. In addition, UNIDIR was invited to make a statement on its work during the informal meeting under the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects held from 13 to 16 May 2014.

4. Emerging security threats programme

45. The annual UNIDIR cyberstability seminar was held on 10 February 2014, on the topic "Preventing cyberconflict". The annual UNIDIR space security conference was held on 19 and 20 April 2014, on the topic "Implementation and compliance". A project to refine and digitize the cybersecurity index, launched in 2013, is in its first phase, and a prototype design is slated to be produced by October 2014. Efforts to secure funds for a follow-on phase to build and test the prototype are under way.

46. At the donor's request, the project on a proposed international code of conduct for outer space has been extended through August 2014. Plans are being considered for a follow-on project.

47. Project development is under way on water scarcity and security in the Middle East and North Africa; risks in modern life sciences; clarifying national sovereignty issues in cyberspace; and a legal analysis of armed conflict in outer space.

48. UNIDIR was selected as the expert consultant for the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security. The first meeting will be held from 21 to 25 July 2014; the Group will remain active through 2015.

5. Process and practice programme

49. UNIDIR will conduct regional capacity-building workshops in 2014, as part of its ISACS assessment tool project (third phase), aimed at establishing a global network of institutions that are capable of providing tailored training on the UNIDIR-developed ISACS software to their beneficiaries, including States.

50. UNIDIR is working through the Geneva Forum to establish the 2014 activities of the Arms Trade Treaty Network. A planning meeting was held on 7 February 2014 and another meeting on 15 April 2014. UNIDIR is also developing a separate project on weapons diversion, related to the Arms Trade Treaty.

51. UNIDIR is continuing its cooperation with the Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. The third phase of the evidence-based design project will carry out pilot testing of the prototype and undertake capacity-building for evidence-based programme design in field offices beginning in October 2014.

52. The financial expenditure for the proposed programme of work of UNIDIR for 2014 is projected at $2,783,700, as reflected in table 2 .

Table 2
Projected activities and financial plan for 2014

(Thousands of United States dollars)

Description	*Projections for 2014*[a]	*Actual figures for the period 1 January-31 March 2014*	*Difference (shortfall)*
Funds available at the beginning of the year	1 941.9	1 941.9	0.0
Income:			
Voluntary contributions and public donations	2 748.3	375.7	(2 372.6)
Subvention from the United Nations regular budget[b]	280.8	280.8	0.0
Other inter-organization contributions	27.1	0.0	(27.1)
Interest income[c]	14.0	0.0	(14.0)
Miscellaneous income	18.6	0.0	(18.6)
Total income	**3 088.8**	**656.5**	**(2 432.3)**
Prior-period adjustments	1.6	1.6	0.0
Refund to donors	(50.2)	(50.2)	0.0
Prior-period obligations	16.9	16.9	0.0
Total funds available	**4 999.0**	**2 566.7**	**(2 432.3)**
Institutional expenditure:			
Staff and other personnel costs[d]	1 043.1	513.9	(529.2)
Institutional travel	15.7	0.0	(15.7)
Operating expenses	51.8	0.0	(51.8)
Project-related costs:			
Staff and other personnel costs	1 214.5	536.5	(678.0)
Travel	118.7	20.8	(97.9)
Contractual services	75.7	30.0	(45.7)
Acquisitions	15.8	0.0	(15.8)
Fellowships, grants and other	106.3	0.0	(106.3)
Total direct expenditure	**2 641.6**	**1 101.2**	**(1 540.4)**
Programme support costs	142.1	37.7	(104.4)
Total expenditure	**2 783.7**	**1 138.9**	**(1 644.8)**
Fund balance at the end of the year[e]	**2 215.3**	**1 427.8**	**(787.5)**

[a] The projections for 2014 were based on the average for the period 2008-2013, plus 1 per cent, except for the regular budget subvention, interest income and institutional staff costs (see footnotes b-d).

[b] In its resolution 68/247, the General Assembly approved a subvention for $577,800 to UNIDIR for the biennium 2014-2015. The initial allotment for 2014 is $280,800.

[c] The ratio of the interest income for 2013 to the opening balance for 2013 was used to make the projection of the interest income for 2014 and 2015.

[d] For further details, see annex I.

[e] Includes the required operating cash reserve (15 per cent of direct expenditure, less the United Nations regular budget subvention and 5 per cent of direct expenditure for contributions from the European Union).

D. Projected activities and financial plan for 2015

53. With the forthcoming departure of the Director of UNIDIR at the end of 2014, the specific priorities for the 2015 programme of work will be the prerogative of the incoming Director. Currently, a minimum of 20 projects, activities and papers across the five research programmes are foreseen, with an emphasis on continuing the themes established in 2014. For example, transparency and confidence-building measures in relation to nuclear disarmament will continue to be a key theme of the 2015 work programme. In particular, during the first half of the year UNIDIR will seek to support States as they prepare for the 2015 Review Conference of the Parties to the Nuclear Non-Proliferation Treaty. In addition, as a new thematic area of work, UNIDIR intends to consider how to address security issues in relation to the post-2015 development agenda.

54. The financial expenditure to support the 2015 programme of work is projected at $2,991,800, as shown in table 3.

Table 3
Proposed activities and financial plan for 2015

(Thousands of United States dollars)

Description	*Projections for 2015[a]*
Funds available at the beginning of the year	2 215.3
Income:	
Voluntary contributions and public donations	2 775.8
Subvention from the United Nations regular budget[b]	297.0
Other inter-organization contributions	27.4
Interest income[c]	16.0
Miscellaneous income	18.8
Total income	**3 135.0**
Prior-period adjustments	1.6
Refund to donors	(50.7)
Prior-period obligations	17.1
Total funds available	**5 318.3**
Institutional expenditure:	
Staff and other personnel costs[d]	1 233.9
Institutional travel	15.9
Operating expenses	52.3
Project-related costs:	
Staff and other personnel costs	1 226.6
Travel	119.9
Contractual services	76.4
Acquisitions	16.0

Description	*Projections for 2015*[a]
Fellowships, grants and other	107.3
Total direct expenditure	**2 848.3**
Programme support costs	143.5
Total expenditure	**2 991.8**
Fund balance at the end of the year[e]	**2 326.5**

[a] The projections for 2015 are based on the projections for 2014, plus 1 per cent, except for the United Nations regular budget subvention, interest income and the institutional staff costs (see footnotes b-d).

[b] Represents the balance of the amount approved for the subvention to UNIDIR for the biennium 2014-2015, in accordance with General Assembly resolution 68/247.

[c] The ratio of the interest income for 2013 to the opening balance for 2013 was used to make the projection of the interest income for 2014 and 2015.

[d] For further details, see annex I.

[e] Includes the required operating cash reserve (15 per cent of direct expenditure, less United Nations regular budget subvention and 5 per cent of direct expenditure for contributions from the European Union).

III. Resource mobilization strategy

55. Throughout 2013, UNIDIR continued its focus on broadening its donor base. The Institute considers it crucial to have the widest possible donor base as a reflection of its mandate to serve all Members of the United Nations.

56. In 2013, at the request of the Department of Management, UNIDIR developed a proposal for a sustainable funding model for the Institute, comprising the regular and extrabudgetary funding required to achieve its mandate and objectives. That proposal was reviewed by the Board of Trustees at its sixtieth session and was provided to the Deputy Secretary-General in July 2013.

57. Under the resource mobilization strategy, UNIDIR continues to seek economies through full cost recovery at the project level, as well as institutional processes related to project development and results-based budgeting. It is vital that sustained institutional-level support from Member States continue to ensure that the capacity of UNIDIR to maintain a useful level of assistance to the Member States will not be undermined.

Renewed emphasis on research partnerships

58. In 2013, the Institute prioritized the development of relationships with States in the Middle East and the Gulf States. Institute staff met with representatives of members of the Movement of Non-Aligned Countries in New York in early 2013 and with the Group of Arab States in Geneva and New York in early 2014. UNIDIR is also now participating in the coordinating meetings of United Nations organizations with the League of Arab States.

59. Owing to the unique position of UNIDIR within the United Nations system, partnering with other centres of excellence on disarmament and security research can offer a multiplying effect for both partners. Further, donors are increasingly

encouraging collaborative efforts by research organizations, particularly between national and regional and international organizations, in order to create synergies and optimize investment. In particular, in 2013 the Institute began cooperation with the Global Partnership against the Spread of Weapons and Materials of Mass Destruction. As the Global Partnership seeks to change its focus from primarily field operations to non-proliferation policy development and support, there is great potential for UNIDIR to play a significant role in progress towards the Partnership's objectives. In 2013 and 2014, UNIDIR continued activities with long-standing partners, such as the Monterey Institute of International Studies, the Secure World Foundation, the Small Arms Survey, the Center for Strategic and International Studies, Chatham House, VERTIC, the University for Peace and the Institute for Peace Research and Security Policy of the University of Hamburg.

60. At the behest of the Board of Trustees, UNIDIR has begun to promote better use of the Institute by Member States and the Secretariat. In particular, in its 2013 report (A/68/206), the Board of Trustees recommended that the Secretary-General commission a study on emerging technologies, with an emphasis on increasingly autonomous weapon technologies, with UNIDIR undertaking a research role. The General Assembly has the possibility of requesting UNIDIR to undertake specific studies or activities. Such a mechanism is provided for in Article 13 of the Charter of the United Nations and in article VII of the statute of UNIDIR. That possibility permits Member States to determine topics for analysis that are of the most value to the majority of them, rather than research topics being predominantly guided by a handful of donors and their preferences. In addition, that mechanism permits a cost-effective and equitable way for all Member States to benefit from independent analysis prior to taking decisions on substantive matters in the General Assembly or its subsidiary bodies.

IV. Communications and outreach

61. One significant indicator of the impact of the work of UNIDIR and the reputation of the Institute is the number of requests for consultative or advisory services. Staff are regularly called upon to advise, consult with or brief interested parties. Requests come from within the United Nations system, from individual Member States and regional groups, from international, multilateral and regional organizations and from research institutes, academic bodies, the media and civil society groups. UNIDIR receives frequent requests for assistance from presidents of the Conference on Disarmament.

62. UNIDIR continues to implement its communications and outreach strategy, with emphasis on developing the UNIDIR "brand" through an emphasis on the Institute's unique role in the international community and the value it adds.

63. A new visual identity was launched in 2013, including a new logo. A new website was launched to make the electronic interface easier to use and introduce innovative functionalities.

64. UNIDIR continues to develop its electronic publication series. All UNIDIR publications are available for download from the Institute's website, in their entirety and free of charge.

65. New electronic products were introduced in 2013, including quick-read codes integrated into UNIDIR flyers and materials and e-books optimized for tablets. The exploitation of social media tools was increased.

66. However, communications and outreach work is being hindered by the loss of one key staff member in 2013, reducing the staff to only one person.

V. Structure, management and staffing

67. As of February 2014, two full-time institutional staff members and one part-time editor were let go owing to funding constraints. The core staff of the Institute — that is, those staff required in order to ensure that UNIDIR functions in compliance with United Nations administrative and financial rules and regulations, to manage researchers and to undertake day-to-day operations such as meeting organization, editing and website maintenance — has reached a critical minimum level. Institutional staffing has now been reduced to the point where further reductions will result in the Institute's inability to support research activities.

68. The Institute staff as of February 2014 comprises the Director, two operational staff and two and a half support staff. The five current researchers and four senior fellows (two in residence) are complemented by consultants and institutions that are commissioned for specific expertise or short-term activities.

69. With the restructuring of the UNIDIR programme of work in 2010, a process was initiated to bring in expertise to develop the new programmatic architecture. The goal of the programmatic architecture was twofold: first, to establish a sustainable pool of expertise that allows consistent development and implementation of research projects and activities; and second, to establish another mechanism for States to contribute to the work of the Institute. However, while the long-term benefits of that architecture to the Institute are apparent, up to now, funding for establishing programmatic staff positions has been elusive. UNIDIR currently employs one full-time and one half-time programmatic lead.

VI. Finances: subvention from the United Nations regular budget and voluntary contributions

70. In accordance with article VII, paragraph 1, of the statute of UNIDIR, voluntary contributions from States and public and private organizations are the principal source of financing.

71. Despite the global financial crisis, voluntary contributions to the Institute have been slowly but steadily increasing. However, owing to increasing administrative costs and increasing national limitations on unearmarked support, the Institute continues to struggle to cover institutional costs. Approximately 85 per cent of all voluntary contributions in recent years have been earmarked for specific projects. On average over the past five years, only 10 per cent of Member States (fewer than 20) contributed institutional, unearmarked funding to UNIDIR. Simply maintaining institutional staff to fulfil financial, administrative and operational requirements costs about $1,200,000 per annum, as compared with income from voluntary sources of about $300,000 in 2013 to support those institutional costs. Part of the resource mobilization strategy has been to better account for the costs of

related institutional staff activities within the budgets of specific projects (as indirect costs). While assisting with cost recovery, this method results in higher project budgets, which is having an increasingly dissuasive effect on potential donors. At the same time, more and more donors have instituted caps on overhead, or now reject all overhead costs, a situation that has undercut the Institute's efforts for cost recovery.

72. Regarding the subvention from the United Nations regular budget, article VII, paragraph 2, of the statute of UNIDIR establishes that the subvention is to be used towards meeting the costs of the Director and the staff of the Institute. However, for many years the subvention has covered, at most, the costs of the Director. Indeed, in 2014, the subvention is projected to cover only 84 per cent of the costs of the Director. The General Assembly, in its resolution 68/247, approved a subvention of $577,800 to UNIDIR for the biennium 2014-2015.

73. Since the inception of UNIDIR and in line with article VII, paragraph 2, of the statute of the Institute, the Secretary-General has sought and obtained approval from the General Assembly for a subvention to the Institute from the regular budget of the United Nations, which is vital for ensuring the independent and continuous nature of the functioning of the Institute.[2] The baseline amount of the subvention has remained relatively constant (with occasional cost adjustments) for more than a decade. Support for increasing the subvention has been expressed by the Board of Trustees and the General Assembly, as well as Member States. Given the financial constraints facing the United Nations, the recommendation of the General Assembly in its resolution 65/87 (in which it recalled its recommendation in resolution 60/89) that the Secretary-General implement, within existing resources, the relevant recommendations of the Board of Trustees of the Institute on the funding of the Institute, has yet to be considered by the Secretariat.

74. The income that UNIDIR receives through voluntary funding is secured on a rolling basis, as it is primarily project-based. Thus, programme planning is based on projections of Member State needs and previous experience regarding funding levels.

VII. Conclusion

75. The period to 2015 will be extremely active for the disarmament community. It is also a transitional period for the Institute, with the pending change of Director, a situation that brings with it both opportunities and challenges. Building on its 30 years of experience and its global reach, UNIDIR — as a valued and trusted independent voice at the international level — will continue to pursue its mandate to support efforts to make progress towards a peaceful and prosperous world. However, UNIDIR requires increased financial support from Member States and the United Nations to ensure the future viability of the Institute.

[2] The requirement for a subvention was reiterated by the Secretary-General in 2004 (see A/C.5/59/3/Add.1).

Annex I

Projected costs of institutional staff

(Thousands of United States dollars)

2014	*Total net salary*	*Staff assessment*	*Common staff costs*	*Representation allowance*	*Total*
United Nations contracts:[a]					
1 D-2	234.0	34.3	79.5	0.6	348.4
1 General Service	129.5		44.0		173.5
1 General Service, Other level	103.8		35.3		139.1
Director separation costs					33.5
Subtotal					**694.5**
UNIDIR contracts:[b]					
1 P-5	159.4				159.4
1 P-3	111.4				111.4
1 P-3 (part-time)	77.8				77.8
Subtotal					**348.6**
Total					**1 043.1**

2015	*Total net salary*	*Staff assessment*	*Common staff costs*	*Representation allowance*	*Total*
United Nations contracts:[a]					
1 D-2	229.2	34.3	77.9	0.6	342.0
1 P-5	189.1	26.0	64.3		279.4
1 P-3	133.9		45.5		179.4
1 General Service (PL)	130.5		44.3		174.8
1 General Service, Other level	104.6		35.5		140.1
Director installation costs					37.8
Subtotal					**1 153.5**
UNIDIR contract:[b]					
1 P-3 (part-time)	80.3				80.3
Subtotal					**80.3**
Total					**1 233.8**

[a] Based on standard salary costs applicable to Geneva — Version 7.

[b] These contracts were originally designed based on United Nations contracting practices for short-term employment. In recent years, UNIDIR has been advised by the Secretariat that such contracts are no longer appropriate for institutional staff and thus must be converted. The amounts shown are based on previous years' experience — exchange rate of $1 to 0.926 Swiss francs.

Annex II

Details of voluntary contributions in 2013

(United States dollars)

Voluntary contributions	*2013*
A. Governmental contributions	
Canada	5 241
China	19 985
Finland	79 576
France	161 424
Germany	724 548
Holy See	5 000
Hungary	13 569
India	19 127
Indonesia	17 106
Ireland	66 293
Iraq	4 982
Japan	24 698
Mexico	10 660
Netherlands	92 259
Norway	617 911
Pakistan	4 884
Russian Federation	100 000
Serbia	2 000
Switzerland	124 403
Turkey	4 000
United Arab Emirates	10 000
Total governmental contributions	**2 107 666**
B. Intergovernmental contributions	
European Commission	649 868
Organisation Internationale de la Francophonie	3 259
Total intergovernmental contributions	**653 127**
C. Public donations	
Northeastern University	8 073
Simons Foundation	20 000
University for Peace	837
Total public donations	**28 910**
Total voluntary contributions (A+B+C)	**2 789 703**